

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
DONALD ZARDA,  
Plaintiff,  
-against-  
ALTITUDE EXPRESS, INC., d/b/a  
SKYDIVE LONG ISLAND and  
RAY MAYNARD,  
Defendants.  
-----X

: CV-10-4334  
: US Courthouse  
: Central Islip, NY  
:  
:  
: October 19, 2015  
: 9:30 a.m.

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE JOSEPH F. BIANCO  
UNITED STATES DISTRICT COURT JUDGE, and a Jury

APPEARANCES:

For the Plaintiff: GREGORY ANTOLLINO, ESQ.  
275 Seventh Avenue, Suite 705  
New York, New York 10001  
and  
RICHARD J. CARDINALE, ESQ.  
26 Court Street, Suite 1815  
Brooklyn, New York 11242

For the Defendants: ZABELL & ASSOCIATES, P.C.  
1 Corporate Drive, Suite 103  
Bohemia, New York 11716  
BY: SAUL D. ZABELL, ESQ.  
LAURA E. JOHNSON, ESQ.

Official Court Reporter: Ellen S. Combs, CSR  
100 Federal Plaza - Suite 1180  
Central Islip, New York 11722  
(631) 712-6107

Proceedings recorded by mechanical stenography  
Transcript produced by Computer

1 (The following took place at 10:00 a.m.)

2 THE CLERK: Calling 13-CV-4334, Zarda vs  
3 Altitude Express.

4 (Appearances previously noted.)

5 THE COURT: The jurors are all here.

6 Is there anything we need to discuss?

7 MR. ANTOLLINO: Yes. A couple of issues.

8 First of all, this is an adverse witness, so  
9 without any further ado, I assume that there is not going  
10 to be any objection if I'm leading the witness.

11 THE COURT: Yes, you can lead the witness.

12 MR. ANTOLLINO: And second, while you were out,  
13 we showed the witness several videos and nothing was put  
14 on the record. But he saw a total of at least four.

15 Third, could you please -- is going to get  
16 something from the hotel, so he will be joining us at  
17 counsel table as soon as he gets back.

18 Bill Moore will be a replacement for the estate  
19 this week, so could you tell the jurors that Melissa Zarda  
20 had to go home on Friday and Bill Moore will be  
21 substituting for the estate. He's just going to walk  
22 right in and sit down at the counsel table. I told him to  
23 do that.

24 THE COURT: Any objection to that?

25 MR. ANTOLLINO: No.

1 MR. ZABELL: No objection.

2 THE COURT: Bill Moore or William Moore.

3 MR. ANTOLLINO: William Moore.

4 THE COURT: Just so we avoid going to the  
5 sidebar, just so I understand. What are the three videos  
6 you will be introducing through Mr. Maynard?

7 MR. ANTOLLINO: One is of David Kengle. Another  
8 is of Don Zarda. Another is of Duncan Shaw. And another  
9 is called camel toe (ph) video.

10 THE COURT: Any objections to those videos  
11 coming in?

12 MR. ZABELL: Yes, judge. I object to all of  
13 those videos coming in. None of them were identified in  
14 the pretrial order in the list of exhibits. They weren't  
15 documents that we had seen in discovery but counsel failed  
16 to identify any of them in the pretrial order.

17 MR. ANTOLLINO: I don't think that is true,  
18 judge.

19 But they were marked as exhibits to  
20 Mr. Maynard's deposition, which itself is an exhibit.

21 THE COURT: What are these? What is the  
22 relevance of these videos?

23 MR. ANTOLLINO: The relevance of the Kengle  
24 video is that Rosana is there, Kengle is there. Kengle is  
25 the one that made the complaint. Kengle had a fantastic

1 time, in our opinion.

2 Second, the Duncan video shows Duncan doing  
3 similar things to what Don was doing, pointing. And the  
4 Don video shows him doing similar things, hamming it up  
5 for the camera behind the passengers.

6 And finally, the camel toe video was something  
7 we got off of the Skydive Long Island website, which they  
8 presented as a scene of the best of the year 2012.

9 And camel toe, I recently learned, is a woman  
10 who -- whose pants are so stretched up that you can see  
11 the lines of her vagina through her pants. And this is  
12 what they chose to put on their website as the highlight  
13 of the 2012 season.

14 And in the meantime, they're complaining that  
15 Don made a creepy face to Rosana whereas the placement of  
16 the camel toe video, in the highlights, seems to  
17 contradict the suggestion there was anything wrong or  
18 unprofessional, quote-unquote, about anything that Don did  
19 in his video.

20 MR. ZABELL: We're going to start with  
21 Mr. Kengle's video. My client has never seen the video  
22 before today. I saw it today. He is not the person to  
23 authenticate it. Mr. Kengle is. Mr. Kengle is due here  
24 at 11 o'clock. I think if he comes in at all, it should  
25 come in through Mr. Kengle.

1 I have objections based upon relevance, but I'm  
2 willing to waive them if they come in through Mr. Kengle.

3 With regard to Duncan, Duncan Shaw is supposed  
4 to be coming today at 12:30 during the lunch break. We  
5 expect to put him in on our case.

6 Again, Mr. Maynard has never seen the video  
7 before. He is not in a position to authenticate it.

8 I have no objection to it coming in, once it's  
9 authenticated by Mr. Duncan. Again, I fail to see the  
10 relevance but I would waive the relevance argument if it  
11 is authenticated through Duncan Shaw.

12 The Don video, I believe counsel says it's Don  
13 hamming it up with another customer. That was never  
14 identified. It was disclosed over the weekend to me that  
15 Mr. Antollino would like to introduce it. My client has  
16 never seen it before today and is not in a position to  
17 authenticate it. Mr. Zarda, unfortunately, is not here to  
18 authenticate it, and the individual in the video is not  
19 here to authenticate it. So I'm going to object based  
20 upon relevance. And I'm going to object because I don't  
21 think counsel can authenticate it.

22 With regard to the video, and I'm sorry to say  
23 this in Federal Court, the camel toe video, I fail to see  
24 any relevance to a customer making a comment about what  
25 she may or may not have been enduring at that time from a

470

1 wardrobe point of view. It's just not relevant and there  
2 is no ability to authenticate it.

3 THE COURT: It's in a customer complaint.

4 MR. ZABELL: She is not complaining that the  
5 jump altered that. It seems to me that she is excited  
6 about the jump and was concerned how that film could be  
7 portrayed in the video.

8 THE COURT: Okay.

9 I don't understand. I agree with Mr. Zabell  
10 with respect to Mr. Kengle and Shaw. They will be  
11 witnesses here. Mr. Maynard has reviewed the videos. If  
12 he can't authenticate them, he has never reviewed them, he  
13 never made a decision regarding them, I don't know how you  
14 can get those videos in through him.

15 MR. ZABELL: Your Honor, one moment. We have a  
16 witness that just appeared and we're ushering him out. I  
17 apologize.

18 THE COURT: He has left are the room.

19 MR. ANTOLLINO: Is he intending on starting with  
20 Mr. Kengle?

21 MR. ZABELL: Yes.

22 THE COURT: So I don't believe that Mr. Maynard  
23 can provide testimony on the video today. He was not  
24 involved in the making, he never reviewed it in contention  
25 with any employment decision. So you should wait for

471

1 Mr. Kengle and Mr. Shaw to get those videos in.

2 MR. ANTOLLINO: With respect to Mr. Shaw, we're  
3 moving to preclude him on the basis that he wasn't  
4 identified in the pretrial order. And that, you know, if  
5 you want to overrule that objection, we have the objection  
6 of the person who is identified as a witness whose address  
7 was never given during discovery. Kengle is clearly  
8 coming in.

9 THE COURT: You're saying Shaw wasn't on the  
10 pretrial order?

11 MR. ANTOLLINO: Shaw was -- no, I'm sorry. Shaw  
12 was on the pretrial order but he was not in the initial  
13 disclosures. They did give us his address in the -- New  
14 York along with several other employees. However, he was  
15 not on the initial disclosures. The whole point of the  
16 Federal rules, judge, you know, you don't dump 60  
17 witnesses that are not on your amended pretrial  
18 disclosures at trial and expect us to figure out who  
19 you're going to call. That's gamesmanship, trial by  
20 ambush.

21 So I object to all of those witnesses and, at a  
22 minimum, Curt Kellinger, whose address we were never given  
23 and we don't know anything about him whatsoever.

24 THE COURT: Okay.

25 Mr. Zabell, do you want to respond?

1 MR. ZABELL: Sure.

2 First, with regard to Curt Kellinger, he was  
3 mentioned throughout discovery and his name was identified  
4 in numerous places during Don Zarda's deposition. In  
5 fact, your Honor precluded me from introducing Don Zarda's  
6 testimony about how honest and how much of a straight  
7 shooter Don Zarda believed Curt Kellinger to be.

8 These were individuals that were brought, the --  
9 the issue of not permitting Duncan Shaw, Wayne Burrell and  
10 Curt Kellinger was addressed before, your Honor. And your  
11 Honor has already ruled out and your Honor did give  
12 Mr. Antollino an opportunity to write a formal motion  
13 seeking to preclude. And Mr. Antollino didn't take your  
14 Honor up on that issue.

15 Your Honor specifically said that they are going  
16 to testify, but I will not have all 60 people testify.  
17 Again, the reason why we listed as many people as we did  
18 is because skydivers are a transient lot. They're hard to  
19 pin down, they're hard to get a hold of.

20 So we listed -- we were overinclusive just to  
21 make sure that we were able to get some people to come and  
22 testify as to the behavior that they observed.

23 THE COURT: I'm going to allow him to testify.  
24 I'll put the reason on the record later. I don't want to  
25 keep the jury waiting anymore.



473

1 MR. ANTOLLINO: All three are going to testify,  
2 even the one whose address we weren't given?

3 THE COURT: Yes.

4 Okay, so my ruling is that these videos can't  
5 come in through Mr. Maynard if he has never seen them  
6 before today and had no involvement in them.

7 MR. ANTOLLINO: Well, one of them, judge, came  
8 from the Skydive Long Island website. And so, you know,  
9 Mr. Zabell didn't talk to his client. Mr. Maynard has not  
10 testified as to his oversight of the Skydive Long Island  
11 website and what they put there. So as far as the camel  
12 toe --

13 THE COURT: Which one was on the website?

14 MR. ANTOLLINO: The camel toe video.

15 THE COURT: That one is not coming in under 403  
16 and I'll put the reasons on the record later. That is  
17 definitely not coming in.

18 So if that is the one that is on the website,  
19 you can't question him regarding his oversight of the  
20 website. And with the one with Mr. Zarda, again, I don't  
21 know how he can authenticate a video of Zarda that he  
22 wasn't involved in.

23 MR. ANTOLLINO: They turned it over to us. We  
24 asked for 20 videos chosen arbitrarily. They turned it  
25 over to us. He can identify the plane. He can identify

1 the Drop Zone. He can identify Mr. Zarda. He can  
2 identify the procedure.

3 THE COURT: Did you turn the video over?

4 MR. ZABELL: Oh, yes.

5 THE COURT: So why can't -- the representative  
6 of the company can't authenticate that through him. He is  
7 the owner of the company, so he wasn't involved in the  
8 making of the video. It certainly is in their records.  
9 He can authenticate it as being a business record of --

10 MR. ZABELL: I have no problem with that, judge.

11 THE COURT: Okay. So I will let that video in.  
12 Okay.

13 MR. ANTOLLINO: Through Mr. Maynard.

14 And there is going to be no objection to  
15 introducing the videos of Mr. Kengle through Mr. Kengle?

16 THE COURT: That's what I heard. If there is an  
17 objection, I'm overruling it. Okay?

18 MR. ZABELL: I can't imagine why he wouldn't,  
19 nor Duncan Shaw.

20 MR. ANTOLLINO: Now, as far as Mr. Kengle is  
21 concerned, without taking a position on that, is  
22 Mr. Zabell's preference to call him now rather than have  
23 him wait until after Mr. Zabell's testimony?

24 THE COURT: Mr. Maynard's.

25 MR. ANTOLLINO: Mr. Maynard's testimony.

1 MR. ZABELL: I would have taken up counsel on  
2 that but we just sent him back to his car to return in  
3 about 45 minutes.

4 THE COURT: Okay. Do you think Mr. Maynard will  
5 be done in about 45 minutes?

6 MR. ZABELL: No, I think he will be done in an  
7 hour but I --

8 MR. ANTOLLINO: I'm not so sure I'll be done in  
9 an hour. If you want to text Mr. Kengle and have him come  
10 back up, feel free.

11 THE COURT: Do you want to text? Do you have  
12 your cell phone?

13 MR. ZABELL: I do.

14 THE COURT: Do you want to call him and ask him  
15 to come back now?

16 MR. ZABELL: I imagine it will take him a few  
17 minutes to get his phone but I still want to start with  
18 Mr. Maynard.

19 THE COURT: So let's just start, okay?

20 MR. ANTOLLINO: He is available all day, I think  
21 I'll need more than 45 minutes.

22 MR. ZABELL: I understand that.

23 MR. ANTOLLINO: I want to stop at some point and  
24 take the morning break and have him come up and testify  
25 and then go back to Maynard.

1 THE COURT: We'll go an hour and see where we  
2 are, okay?

3 MR. ANTOLLINO: Okay.

4 THE COURT: All right. Bring in the jury.  
5 (The jury entered the courtroom.)

6 THE COURT: Good morning, members of the jury.  
7 Good to see you all this morning. I hope you enjoyed your  
8 weekend. I apologize for keeping you waiting. But we are  
9 ready to proceed now.

10 So I'm going to ask Mr. Antollino to call his  
11 next witness.

12 MR. ANTOLLINO: Thank you, judge.

13 Plaintiffs call Raymond -- oh, would you tell  
14 the jury --

15 THE COURT: Yes. As you can see, Melissa Zarda,  
16 who is representing the estate, is not with us. She had  
17 to return home. But Mr. William Moore is a representative  
18 of the estate and he will be arriving shortly. So you  
19 will see him arriving shortly at plaintiff's table. Okay?

20 Please remain standing.

21 **RAYMOND MAYNARD**

22 called as a witness, having been first duly sworn,  
23 was examined and testified as follows:

24 THE CLERK: Please state and spell your name for  
25 the record.

**Maynard - Direct/Mr. Antollino**

477

1 THE WITNESS: Raymond Maynard, M-A-Y-N-A-R-D.

2 THE COURT: Please be seated.

3 And just so you understand, when Mr. Zabell gets  
4 to cross-examine. I'm going to allow him to proceed in  
5 the scope of a direct examination so that he doesn't have  
6 to recall Mr. Maynard during his case. So that when he  
7 gets to the defense case, you can call Mr. Maynard and he  
8 will be asking the defense questions during the cross,  
9 okay?

10 Go ahead.

11 DIRECT EXAMINATION

12 BY MR. ANTOLLINO:

13 Q Good morning, Mr. Maynard.

14 A Good morning.

15 Q You have been skydiving for some 45 years.

16 Is that true?

17 A That's correct.

18 Q And you agree that skydiving is not an activity that  
19 everyone would enjoy, true?

20 A True.

21 Q As you once said that to a reporter, correct?

22 A That's right.

23 Q You told the reporter that, in your opinion, being  
24 crazy helps.

25 Isn't that true?

Maynard - Direct/Mr. Antollino

478

1 A I don't know if I said it like that.

2 Q Why don't you take a look at your deposition,  
3 page 31, 32, and look at line 13.

4 You were asked the question: Would you agree  
5 with me people think skydivers are just a bunch of  
6 crazies? You don't have to be crazy, but it helps.

7 Answer: That's something I've said.

8 A If that is what I said, it's within the deposition.  
9 Not the way you first stated it.

10 Q So to be clear, you don't have to be crazy, but it  
11 does help?

12 A That is my opinion, yes.

13 Q Now, when a passenger gets to the Drop Zone, one of  
14 the first things he or she does is sign a release.

15 Is that true?

16 A That's true.

17 Q And I'm going to hand you -- we have already seen  
18 this, you saw the last week, correct?

19 A Yes, we did.

20 Q Mr. Kengle also signed a release.

21 Is that right?

22 A I believe he did.

23 Q I'm going to hand you what is, I believe Defendant  
24 Exhibit X and Plaintiff Exhibit 36 and ask you if you  
25 recognize this.

**Maynard - Direct/Mr. Antollino**

479

1 A Yes. This is the waiver that we use.

2 Q This is the waiver that you use at the Skydive Long  
3 Island. And this was the one that was filled out David  
4 Kengle, correct?

5 A That's his name. I mean, I have never seen this  
6 personally. I mean, I don't see these every day.

7 Q Sure.

8 THE COURT: Is that the same objection?

9 MR. ANTOLLINO: Is there any objection to  
10 admitting this at this point?

11 MR. ZABELL: No.

12 THE COURT: Plaintiff's 36 is admitted.

13 (Plaintiff Exhibit 36 in evidence.)

14 BY MR. ANTOLLINO:

15 Q Now, I'm going to ask you some questions about the  
16 exhibit at some point and if you need to look at it before  
17 you answer the question, please ask me.

18 All right. Now, when the customer arrives at  
19 the Drop Zone, he not only -- when I say he, I mean it  
20 could be a he or a she and, in fact, that she -- I mean,  
21 it could be a she or a he.

22 She signs the waiver, correct?

23 A Correct.

24 Q And you want that customer to read the entire waiver,  
25 correct?

Maynard - Direct/Mr. Antollino

480

1 A They should.

2 Q Why should they?

3 A Because they're giving up their legal rights.

4 Q They're giving up legal rights and you want them to  
5 understand that skydiving is not a normal activity,  
6 correct?

7 A Correct.

8 Q Now, in addition to signing this release and giving  
9 up their rights, the customer watches a video about the  
10 process, correct?

11 A Correct.

12 Q You have had several videos that you have shown to  
13 customers over the years at Skydive Long Island.

14 Is that true?

15 A That's right.

16 Q And now in your most recent video, you appear and  
17 explain the process to the students, correct?

18 A Correct.

19 Q All right. And you explained in the video that  
20 skydiving is a dangerous sport, correct?

21 A Correct.

22 Q You explain that you can be injured skydiving,  
23 correct?

24 A Correct.

25 Q You explain that you can even be killed, correct?



**Maynard - Direct/Mr. Antollino**

481

1 A Correct.

2 Q Now, you explain on the video that you, the customer,  
3 agree that by signing the Skydive Long Island release, you  
4 give up your rights to sue Skydive Long Island and anyone  
5 remotely connected with the skydive from liability if  
6 something happens to you, the customer, correct?

7 A Correct.

8 Q And the customer agrees to that release, even if it  
9 happened as a result of the skydive instructor's  
10 negligence, correct?

11 A Correct.

12 Q Now, by liability, that means holding you responsible  
13 for something that goes wrong to them, correct?

14 A Could you ask that again? I'm not sure what you're  
15 getting at.

16 Q All right. Do you understand what the word liability  
17 means?

18 A Yes.

19 Q And the customer is giving up his right to hold you  
20 liable for anything that goes wrong on the jump, correct?

21 A Correct.

22 Q Now, you explain, and you explained on the video,  
23 quote, You have assumed the entire risk of the skydiving.

24 Is that true?

25 A That's true.

**Maynard - Direct/Mr. Antollino**

482

1 Q You also explain on the video that, quote, The bottom  
2 line on the release is that you're agreeing not to sue us,  
3 correct?

4 A Correct.

5 Q And you also say that if you do sue us, you can't  
6 win, correct?

7 A Correct.

8 Q This is what you tell potential paying customers,  
9 correct?

10 A Correct.

11 Q And if they do sue you, they have to pay your  
12 attorney's fees, correct?

13 A Correct.

14 Q You used to use a video by a guy named Bill Booth,  
15 correct?

16 A Correct.

17 Q Before the video that you used, there was a similar  
18 video that had similar information but it showed a video  
19 of Bill Booth, correct?

20 A Correct.

21 Q According to you, Bill Booth is a very knowledgeable  
22 guy with respect to skydiving, correct?

23 A Correct.

24 Q He has a couple of skydiving patents.

25 Isn't that true?

Maynard - Direct/Mr. Antollino

483

1 A That's true.

2 Q In your opinion, he is an expert in the area of  
3 parachuting and skydiving, correct?

4 A Correct.

5 Q Now, this expert, Bill Booth was recorded in a video  
6 talking to potential passengers before they went up on  
7 their jump, correct?

8 A Correct.

9 Q And when you talk about potential passengers, a lot  
10 of them are going to be novices who have never gone up on  
11 a skydive, correct?

12 A Correct.

13 Q Now, in the Booth video, he told your passengers  
14 about the inherent risk that they would be taking by  
15 making a tandem parachute jump, correct?

16 A Correct.

17 Q He told your students that each of the parachute  
18 systems and people, all necessary for use to make a  
19 parachute jump, is subject to malfunction or human error,  
20 correct?

21 A Correct.

22 Q In the video he told your students there are -- in  
23 the video he told your students that there is not now, nor  
24 will there ever been a perfect parachute, correct?

25 A Correct.

**Maynard - Direct/Mr. Antollino**

484

1 MR. ZABELL: Objection, your Honor. The entire  
2 line of questioning has to do with the video that wasn't  
3 shown to Ms. Orellana or Mr. Kengle. He is talking about  
4 a video that was heard.

5 MR. ANTOLLINO: We don't need to show the video  
6 to them.

7 THE COURT: Well, you should focus on what  
8 was -- if it is the same that was in the video and the  
9 substance, that is fine. But you should --

10 MR. ANTOLLINO: I'm going to wrap it up.

11 BY MR. ANTOLLINO:

12 Q Mr. Booth also said that there is no perfect  
13 airplane, correct?

14 A Correct.

15 Q Mr. Booth also said there is no perfect parachute  
16 instructor, correct?

17 A Correct.

18 Q And he also said, for that matter, there is no  
19 perfect passenger/student, correct?

20 A Correct.

21 Q And you believe that what Bill Booth said was true,  
22 correct?

23 A Correct.

24 Q So therefore you agree that there is not a perfect  
25 student?

Maynard - Direct/Mr. Antollino

485

1 A Correct.

2 Q And the same thing is saying there is no perfect  
3 student, that is like saying there is no perfect customer,  
4 correct?

5 A Correct.

6 Q You have thousands of people coming through Skydive  
7 Long Island in the summer, correct?

8 A Correct.

9 Q You can't have every customer happy, correct?

10 A I don't -- what do you mean by happy?

11 Q When they come through the Drop Zone, you can't have  
12 everyone happy with the experience, correct?

13 A Correct.

14 Q Okay. And you can't have everyone return, correct?

15 A Correct.

16 Q You know that to be true because this is a very  
17 unusual activity, correct?

18 A Correct.

19 Q It's something very risky, correct?

20 A Correct.

21 Q It is inherently dangerous, correct?

22 A Correct.

23 Q Some students have unrealistic expectations about  
24 what a skydive will be, correct?

25 A Some do.

**Maynard - Direct/Mr. Antollino**

486

1 Q And that's why you show them a video and make them  
2 read the release, correct?

3 A Correct.

4 Q All right. You do not want them reading the release  
5 at the same time that they watch the video. Do you?

6 A No.

7 Q You want them to read the release separately from  
8 watching the video, correct?

9 A Correct.

10 Q All right. Now, if two people come together, you  
11 don't want one person explaining the release to another  
12 person. Do you?

13 A No.

14 Q And, in fact, you even tell the customers in your  
15 video that if they want to, they can take this release,  
16 consult an attorney and come back another day, correct?

17 A Correct.

18 Q Because they're giving up very important rights,  
19 correct?

20 A Correct.

21 Q And you would welcome them to do that, correct?

22 A Correct.

23 Q You want passengers to have proper expectations when  
24 they go up on the jump by watching the video and reading  
25 the release, correct?

Maynard - Direct/Mr. Antollino

487

1 A What do you mean by Drop Zone?

2 Q Well, you want them to have expectations that are set  
3 forth in this release, and the expectations that are set  
4 forth in the video, correct?

5 A I'm not sure what you mean by expectations.

6 Q Well, you want them to know that there is no telling  
7 what's going to happen up in the sky, correct?

8 A To a point, yes.

9 Q All right. They could end up dead after the skydive,  
10 correct?

11 A Correct.

12 Q All right. Or they could have an exhilarating time?

13 A Correct.

14 Q So that would be the two polar opposites of the  
15 experience in the skydive.

16 Would you agree?

17 A Yes.

18 Q Now, the first page of the release says that the USPA  
19 recommends that a student be examined by a physician  
20 before going on a skydive, correct?

21 A Can I see that?

22 Q Sure.

23 I'm directing your attention to the portion that  
24 says medical certification.

25 A I would like to read the rest of it.

Maynard - Direct/Mr. Antollino

488

1 Q Well, we'll get to the rest of it.

2 But it does say in the first sentence that the  
3 USPA recommends that all parachuters have a medical  
4 examination.

5 Is that correct?

6 MR. ZABELL: Your Honor, your Honor, I'm going  
7 to object.

8 What he is showing him is not the Exhibit 36  
9 that is in evidence.

10 MR. ANTOLLINO: Well, this is an appendage to  
11 the exhibit.

12 THE COURT: We should make it clear.

13 MR. ANTOLLINO: Well, we're making clear --  
14 we've made clear that this document that I have held and  
15 shown Mr. Maynard is the release signed by David Kengle,  
16 correct?

17 MR. ZABELL: Objection.

18 A Read the rest of that, what you're reading to me.  
19 The next paragraph would make sense.

20 Q Okay --

21 MR. ZABELL: Your Honor, I'm going to object.  
22 He is asking him about a document that he is not moving  
23 into evidence and he has not moved into evidence.

24 THE COURT: All right. Sidebar.

25 (Continued on the following page.)



**Maynard - Direct/Mr. Antollino**

489

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: That is marked both Plaintiff's  
3 Exhibit 36 and Defendants' X.

4 MR. ZABELL: This is the only document that we  
5 have that is 36. That is a separate document that we know  
6 what that is. But that's not what was moved into  
7 evidence. This is counsel's binder. This is what was  
8 sent to me.

9 THE COURT: What is the difference? This is  
10 part of the release?

11 MR. ZABELL: It is a separate medical  
12 certification that is not part of the release. It is  
13 given to them at the time they sign the release.

14 THE COURT: You have these two as one document?

15 MR. ANTOLLINO: Yes.

16 THE COURT: Do you have any objection to this  
17 coming in as a business record?

18 MR. ZABELL: I don't have a problem with it  
19 coming in, as long as it is introduced separately and not  
20 as Exhibit 36.

21 MR. ANTOLLINO: Well, the whole thing is, it's  
22 Exhibit X.

23 THE COURT: I'll make it clear to the jury that  
24 it is coming in and I'll keep the number the same but it  
25 is a separate document from the release. Okay.

**Maynard - Direct/Mr. Antollino**

490

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. ZABELL: Thank you, judge.

MR. ANTOLLINO: Thank you.

(Continued on the following page.)

**Maynard - Direct/Mr. Antollino**

491

1 (The following occurred in open court.)

2 THE COURT: Members of the jury, this is another  
3 document that is part of Plaintiff's Exhibit 36. It is a  
4 release and there is a document that is on top of the  
5 release that there is no objection to its admission. So  
6 this one-page document is going to come in as well as part  
7 of Exhibit 36. Okay?

8 MR. ANTOLLINO: And Defendants' X, judge. It is  
9 also Defendants' X.

10 MR. ZABELL: We can call it 36-A.

11 THE COURT: It is one document, if you want --  
12 let me deem it 36-A, okay?

13 (Plaintiff Exhibit 36-A in evidence.)

14 BY MR. ANTOLLINO:

15 Q What is the USPA?

16 A It's the governing body for skydiving in the United  
17 States.

18 Q So they set the standards for what is safe and proper  
19 for student skydivers, correct?

20 A They use the guidelines what we should be doing, yes.

21 Q What does USPA stand for?

22 A United States Parachute Association.

23 Q Now, you wanted me, on two occasions, to read the  
24 second paragraph and I'm going to get to that now.

25 If they don't get examined, they have to certify

Maynard - Direct/Mr. Antollino

492

1 that they're not being treated for any ailments, correct?

2 A Correct.

3 Q All right. And in that paragraph there is a point  
4 about medical disorders, correct?

5 A Correct.

6 Q Do you know why?

7 A Do I know why that's in there?

8 Q Yes.

9 A Because when people come to skydive, USPA recommends  
10 they get a medical. Nobody is going to do that. So  
11 saying that we want you to tell us to the best of your  
12 ability that you are physically and mentally able to make  
13 a skydive. And that is what we're asking them to sign.

14 Q And when you say mentally, you make specific mention  
15 of nervous disorders, correct?

16 A Yes.

17 Q And why would nervous disorders be included in the  
18 release?

19 A Everyone is going to be nervous when they make a  
20 skydive. That's put in the release for an extreme,  
21 extreme person that would not be able to do it.

22 Q It doesn't say extreme, extreme person. It says,  
23 nervous disorder, correct?

24 A Yes.

25 Q It doesn't say extremely nervous. It says, simply,

Maynard - Direct/Mr. Antollino

493

1 nervous disorder, true?

2 A True.

3 Q So because they sign this release, they cannot hold  
4 Skydive Long Island liable for any injury, correct?

5 MR. ZABELL: Objection. Asked and answered.

6 THE COURT: Sustained.

7 BY MR. ANTOLLINO:

8 Q And any injury would be physical or emotional injury,  
9 true?

10 MR. ZABELL: Objection.

11 THE COURT: I'll allow that question.

12 You can answer that.

13 A What was the question again?

14 THE COURT: Does injury include physical or  
15 emotional injury?

16 A Correct.

17 Q In any way connected to the jump, correct?

18 MR. ZABELL: Objection.

19 THE COURT: You can answer that. You can answer  
20 again.

21 A Correct.

22 Q That's because you can never predict what's going to  
23 happen on a jump, correct?

24 A Correct.

25 Q Now, since skydiving is an inherently dangerous

**Maynard - Direct/Mr. Antollino**

494

1 activity, you are aware that people have died from  
2 skydiving in general, correct?

3 A Correct.

4 Q There have even been deaths at Skydive Long Island,  
5 correct?

6 A Correct.

7 Q There was an incident where two experienced skydivers  
8 crashed into each other during a skydive.

9 Is that correct?

10 MR. ZABELL: Objection.

11 THE COURT: Sustained on relevance grounds.

12 You don't have to go into that.

13 BY MR. ANTOLLINO:

14 Q But some customers want the thrill of an inherently  
15 dangerous activity, true?

16 A True.

17 Q And that person can't blame Skydive Long Island  
18 because she chooses to go on an inherently dangerous  
19 activity if something goes wrong, correct?

20 MR. ZABELL: Objection.

21 THE COURT: I think you can handle this.

22 BY MR. ANTOLLINO:

23 Q Paragraph 3 of this release specifically alludes to  
24 parties included in the jump, correct?

25 A Correct.

**Maynard - Direct/Mr. Antollino**

495

1 Q And among the parties included is not only you and  
2 the Board of Directors, but it also includes jump masters,  
3 flyers of the aircraft and instructors, correct?

4 A Correct.

5 Q In every jump an instructor will try to avoid it and  
6 adapt to the situation as best he can?

7 A Avoid what?

8 Q Avoid any danger and adapt the skydive to the  
9 situation as best the skydive instructor can?

10 A Correct.

11 Q All right. Now, earlier today you saw a video of Don  
12 with a passenger not involved in this case.

13 Is that right?

14 A Correct.

15 Q Okay. And you recognized Don on that video. You  
16 recognize Don on that video?

17 A Correct.

18 Q That was a video that was taken at Skydive Long  
19 Island and produced to plaintiff in the litigation leading  
20 up to this trial, correct?

21 A Correct.

22 MR. ZABELL: Your Honor, I'm just going to ask  
23 for a moment.

24 (There was a pause in the proceedings.)

25 MR. ANTOLLINO: I would deem this Plaintiff's

Maynard - Direct/Mr. Antollino

496

1 Exhibit 53.

2 THE COURT: Any objection?

3 MR. ZABELL: No objection.

4 THE COURT: All right. 53 is admitted and you  
5 can play it for the jury.

6 (Plaintiff Exhibit 53 in evidence.)

7 BY MR. ANTOLLINO:

8 Q Let me just ask you, what is that helmet that says  
9 Get Some on it?

10 A What was the question?

11 Q Can you read it back?

12 (Question was read back.)

13 A It's a helmet that says Get Some on it.

14 Q And it says more than one video at Skydive Long  
15 Island.

16 Is that correct?

17 MR. ZABELL: Objection.

18 THE COURT: Sustained.

19 Q Do you know who owns it?

20 A No, I do not.

21 Q Okay. Have you seen it in videos of customers that  
22 purchased them at Skydive Long Island?

23 A No, I have not.

24 (The tape was played.)

25 (The tape was stopped.)



Maynard - Direct/Mr. Antollino

497

1 BY MR. ANTOLLINO:

2 Q All right. Who do you recognize as being the  
3 instructor of the African American gentleman there?

4 A Don Zarda.

5 (The tape was played.)

6 (The tape was stopped.)

7 Q All right. Would you say that's a typical atmosphere  
8 before someone jumps?

9 A Yes.

10 Q And you saw Don in the background, quote-unquote,  
11 hamming it up for the camera, correct?

12 A Correct.

13 Q You heard Rich Winstock last week referred to that as  
14 enhancing the video, correct?

15 A Correct.

16 Q That is what he was doing, correct?

17 A Correct.

18 (The tape was played.)

19 (The tape was stopped.)

20 BY MR. ANTOLLINO:

21 Q Now, you notice there that the gentlemen that is on  
22 his left -- let's just go back a little bit.

23 (The tape was played.)

24 (The tape was stopped.)

25 Q There. Did you see that? The gentleman that Don was

Maynard - Direct/Mr. Antollino

498

1 with and how close they were?

2 A He is what?

3 Q Do you see how close Don and the customer were?

4 A Yes.

5 Q Was there anything inappropriate about them being  
6 that close?

7 A No.

8 (The tape was played.)

9 (The tape was stopped.)

10 Q Okay. Do you see anything unusual about that video,  
11 whatsoever, in comparison to the typical Skydive Long  
12 Island video of a customer jump?

13 A No.

14 Q Now, if a customer is uncomfortable, it is the job of  
15 the skydive instructor to do his best to make sure that  
16 the customer is as comfortable as he or she can possibly  
17 do, correct?

18 A Correct.

19 Q If there is a physical danger, the instructor will  
20 try to avoid it, correct?

21 A Correct.

22 Q All right. Now, if the customer says something is  
23 bothering her, you expect the skydive instructor to  
24 respond to that, correct?

25 A Correct.

Maynard - Direct/Mr. Antollino

499

1 Q It might be that something is happening because it is  
2 part of the skydive, correct?

3 A Could be.

4 Q And it would be good in that instance to explain to  
5 the customer that this is happening because of whatever  
6 reason, correct?

7 A Correct.

8 Q And there might be some instances where the customer  
9 is strapped too tight and -- I'm sorry -- that the  
10 passenger is strapped too tight and the instructor says,  
11 Well, if I loosen this, it's going to put you in physical  
12 danger, correct?

13 A If they were strapped too tight, yes.

14 Q Sometimes they might be strapped too tight and the  
15 instructor says, Well, there is a little bit I can give,  
16 and I'll loosen it a half an inch or so, correct?

17 A No. When an instructor straps you in, they know how  
18 tight to make it so they're not strapped too tight.

19 Q So it's one size fits all?

20 A No. They're the harness is completely adjustable.

21 Q It's not like when you go to bowling and you say, My  
22 shoe size is 10, correct?

23 A Correct.

24 Q There is one size tandem jumpsuit and it has to be  
25 adjusted for each passenger, correct?

Maynard - Direct/Mr. Antollino

500

1 A We don't put jumpsuits on.

2 Q Well, what would you call them, harnesses?

3 A Harness.

4 Q Okay. When you strapped on a harness to a customer,  
5 it's one size fits all and it has to be adjusted to the  
6 customer and to the instructor, correct?

7 A I believe that there may be different size harnesses,  
8 but most likely we adjust it based on each person.

9 Q Okay. Now, in paragraph 5 of the waiver, it talks  
10 about risks contemplated on the jump, correct?

11 A Correct.

12 Q And in this paragraph -- by the way, before you --  
13 let me withdraw that question and ask you.

14 You require all of your students to initial each  
15 paragraph on the release, correct?

16 A Correct.

17 Q So they sign the first page as the medical  
18 certificate, correct?

19 A Correct.

20 Q They initial each paragraph from 1 to 24, correct?

21 A Correct.

22 Q You want to be able to show that the potential  
23 passenger had the opportunity to read the paragraph and  
24 that his eyes were on that page, at least, correct?

25 A Correct.

**Maynard - Direct/Mr. Antollino**

501

1 Q And preferably you want the passenger to read the  
2 entire release and understand it, correct?

3 A Correct.

4 Q If they have a question about it, you want them to  
5 bring it up to you at the skydive center, correct?

6 A Correct.

7 Q And you, if you cannot answer the question, you  
8 advise them to consult an attorney, correct?

9 A Correct.

10 Q So, in paragraph 5, the passenger releases Skydive  
11 Long Island even if someone at Skydive Long Island is  
12 negligent, correct?

13 A Correct.

14 Q That means that if, by mistake, someone does  
15 something unsafe, you can't sue Skydive Long Island,  
16 correct?

17 A Correct.

18 Q And we already went over paragraph 9 that says if you  
19 do sue, you have to pay your attorney's fees in defending  
20 the suit, correct?

21 MR. ZABELL: Objection.

22 THE COURT: Sustained. We've been through this  
23 already.

24 BY MR. ANTOLLINO:

25 Q Alright.

**Maynard - Direct/Mr. Antollino**

502

1 Now I want you to read aloud paragraph 13 to  
2 this release?

3 MR. ZABELL: Objection, your Honor.

4 THE COURT: What's the objection?

5 MR. ZABELL: Relevance.

6 THE COURT: Why don't you come up.

7 (Continued on the following page.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Maynard - Direct/Mr. Antollino**

503

1 (The following occurred at sidebar.)

2 MR. ZABELL: He already testified on multiple  
3 occasions about the closeness. There is no -- we  
4 stipulate that the jumper --

5 THE COURT: You're going too slow. You have  
6 been 45 minutes already.

7 MR. ANTOLLINO: If I go too fast there will be  
8 objections. And I don't know what to tell you, judge.

9 THE COURT: You're rehashing every aspect of the  
10 waiver multiple times.

11 MR. ANTOLLINO: I'm almost finished with the  
12 waiver.

13 (Continued on the following page.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Maynard - Direct/Mr. Antollino**

504

1 (The following occurred in open court.)

2 BY MR. ANTOLLINO:

3 Q Can you read paragraph 3?

4 A I am making a student jump. I understand that I will  
5 be wearing a harness which needs to be adjusted by a jump  
6 master. My jump is a tandem jump.

7 I understand the tandem master will attach my  
8 harness to his and that this part of my body goes in close  
9 proximity to the tandem master.

10 I specifically agree to this physical contact  
11 between me and the tandem master and myself.

12 Q So you tell the potential customers that they're  
13 going to be touched by the instructor, correct?

14 A Correct.

15 Q And you make them initial that paragraph, correct?

16 A Correct.

17 Q And men and women have to read that paragraph and  
18 initial it, correct?

19 A Correct.

20 Q And that's true whether the instructor or the  
21 passenger is straight or gay, correct?

22 A Correct.

23 Q Anyone who does not read that paragraph cannot  
24 understand the nature of tandem skydiving.

25 Would you agree with that?



**Maynard - Direct/Mr. Antollino**

505

1 MR. ZABELL: Objection.

2 THE COURT: Sustained.

3 BY MR. ANTOLLINO:

4 Q Do you expect a potential passenger to read that  
5 paragraph in order to understand every aspect of the  
6 skydive and what's going to happen?

7 MR. ZABELL: Objection.

8 THE COURT: He can answer that.

9 A I want them to read that and initial it, correct.

10 Q Could you answer the question?

11 MR. ZABELL: Objection.

12 THE COURT: Sustained.

13 He can't answer the question.

14 BY MR. ANTOLLINO:

15 Q You don't expect passengers to know how to strap on  
16 gear, correct?

17 A Correct.

18 Q You don't expect them to know how to manipulate the  
19 gear, correct?

20 A Correct.

21 Q You would not expect the clients to know the  
22 intricacies of what is safe and not safe?

23 A Correct.

24 Q Now, Rich Winstock last week described this as  
25 invading the passenger's space.

Maynard - Direct/Mr. Antollino

506

1 Would you agree with that assessment?

2 A Yes.

3 Q Now, if the student gets -- has signed a release,  
4 watched the video and gets into the aircraft, can she ask  
5 to get out of the aircraft if it has not taken off?

6 A Yes.

7 Q And this is true even if she is strapped up or not  
8 strapped up.

9 Is that correct?

10 A Correct.

11 Q Has there ever been a situation like that, that you  
12 can recall, at Skydive Long Island?

13 A No, I do not.

14 Q But it would be allowable if someone said, I've  
15 changed my mind, I don't like how this feels, let me out?

16 A Yes.

17 Q Now, what if the passenger is up in the air and has a  
18 change of heart, she doesn't want to go out on the jump?  
19 Have you ever had a situation like that where the  
20 passenger doesn't make the jump when they go up in the  
21 air?

22 A Yes.

23 Q So therefore, it would be logical to conclude that it  
24 is completely allowable for someone to say, I changed my  
25 mind, I'm not going to jump, when the airplane is up in

Maynard - Direct/Mr. Antollino

507

1 the air, correct?

2 A Correct.

3 Q Would you agree that a student who is uncomfortable  
4 should tell the instructor that she is uncomfortable?

5 A Yes.

6 Q And that way the instructor can either explain why  
7 she might have to be uncomfortable or adjust the harness  
8 to her comfort, correct?

9 A Correct.

10 Q Or give her a chance to get off the ride altogether,  
11 correct?

12 A Correct.

13 Q Now, you expect your instructors to have experience,  
14 correct?

15 A Yes.

16 Q Don had all the experience that you were looking for,  
17 correct?

18 A Correct.

19 Q And you expect all of your instructors to use their  
20 best judgment in adjusting the straps during the dive,  
21 correct?

22 A Correct.

23 Q Now, at the time that he died, Don Zarda had over  
24 5,000 jumps to his credit, correct?

25 A I don't know how many jumps Don had when he died.

**Maynard - Direct/Mr. Antollino**

508

1 Q Well, he had more than you when you were deposed.

2 Is that correct?

3 A Yes.

4 Q Now, aside from deaths, there is about at least one  
5 accident a year at Skydive Long Island, correct?

6 MR. ZABELL: Objection.

7 THE COURT: I already sustained the objection.  
8 We're not going to go into that.

9 BY MR. ANTOLLINO:

10 Q Okay. You have gotten cases -- you have had people  
11 sue you?

12 MR. ZABELL: Objection.

13 THE COURT: Sustained.

14 When I sustained that objection, that doesn't  
15 mean to ask the same question on the same topic, okay?  
16 You move to a different topic.

17 BY MR. ANTOLLINO:

18 Q And you thought Don was a good instructor, correct?

19 A Correct.

20 Q He was liked by his he co-workers, correct?

21 A Correct.

22 Q Do you recognize the e-mail address  
23 Ray@optonline.net?

24 A That was an old e-mail I had, yes.

25 Q And do you recognize the e-mail

Maynard - Direct/Mr. Antollino

509

1 funjumps@SkydiveLongIsland.com, correct?

2 A That's the e-mail address that we used then, yes.

3 Q Now, I'm handing you Defendants' Exhibit N and I'm  
4 going to ask you if this is, in fact, an e-mail that you  
5 received at JumperRay@optonline.net and you sent to  
6 FunJump@SkydiveLongIsland.

7 MR. ZABELL: Objection.

8 It's not -- I'm looking at my Exhibit N and that  
9 is not Exhibit N.

10 THE COURT: Do you want to show it to him?

11 MR. ZABELL: Okay. It is one page of an  
12 exhibit.

13 MR. ANTOLLINO: Is there another page?

14 MR. ZABELL: There is many pages, that is why it  
15 says 1 of 4.

16 MR. ANTOLLINO: Is there another page?

17 MR. ZABELL: Your Honor, I think we need a  
18 sidebar on this. This was one of the issues that we  
19 raised.

20 THE COURT: Why don't we take a break. You  
21 don't have to say anything, okay?

22 We'll take the morning break.

23 (The jury left the courtroom.)

24 THE COURT: What is the issue, Mr. Zabell?

25 MR. ZABELL: Okay. This is page 24 of

**Maynard - Direct/Mr. Antollino**

510

1 Exhibit -- of Defendants' Exhibit X. Defendants'  
2 Exhibit N is the declaration, Don Zarda's declaration.  
3 And counsel wants to introduce it into evidence with the  
4 subject of this weekend's motions.

5 MR. ANTOLLINO: No, a separate portion of it.

6 THE COURT: Hold on.

7 MR. ANTOLLINO: I do want -- may I show it to  
8 you?

9 THE COURT: I understand, obviously, the issue  
10 with the declarations which I'll get to when we finish  
11 with Mr. Maynard. But just because something is attached  
12 to the declaration doesn't mean he can't try to get it in  
13 through his demands.

14 MR. ZABELL: No, no, I understand that. I have  
15 to say, I kind of panicked a little bit when I looked at  
16 Exhibit N and I did not see this and then saw where it  
17 came from. The e-mail itself, I don't have an objection  
18 to. It's a -- somebody submitted an e-mail complimenting  
19 Mr. Zarda -- their jumper, Mr. Zarda. I don't think it is  
20 relevant, but I don't have any objection.

21 THE COURT: Are there other documents that  
22 you're asking Mr. Maynard about? I don't want to chance  
23 sidebars. Are there other ones?

24 MR. ANTOLLINO: Well, there were many things he  
25 looked at at his deposition, including how to strap up.

**Maynard - Direct/Mr. Antollino**

511

1 And that's -- his deposition is marked as an exhibit and  
2 were an exhibit to his exhibits. There are also pictures  
3 on his Facebook page. There are also comments on his  
4 Skydive Long Island page. There are also things that I  
5 would give him to refresh his recollection. And I'm  
6 trying to use the Defendants' exhibits to avoid a problem  
7 in authenticity.

8 THE COURT: So there is a document about how to  
9 strap someone up?

10 MR. ANTOLLINO: That is a document that shows a  
11 picture of about how someone is strapped up.

12 THE COURT: Any objection to that?

13 MR. ZABELL: No, as long as he lays a proper  
14 foundation.

15 I'm concerned that counsel thinks that just  
16 because he questioned Mr. Maynard at his deposition about  
17 a document or we turned the document over in discovery,  
18 that it is automatically admissible.

19 THE COURT: That is not the case.

20 So he is not -- just because it was shown at  
21 deposition doesn't mean it's going to come in at the  
22 trial.

23 MR. ANTOLLINO: I agree, judge. But I'm going  
24 to ask him a question about it. And further, you know,  
25 the pretrial order is for him to say what is authentic and

**Maynard - Direct/Mr. Antollino**

512

1 what is not. And we seem to have to lay a foundation for  
2 something that he hasn't objected to on the grounds of  
3 business records or foundation or whatnot.

4 THE COURT: I haven't seen that. I saw him  
5 agree to certain things that come in as business records  
6 without laying a foundation. But what about the Facebook  
7 page?

8 MR. ANTOLLINO: Well, the Facebook page has lots  
9 of personal comments. And this is not his personal  
10 Facebook page. This is Skydive Long Island's Face --  
11 business Facebook page where he makes lots of personal  
12 comments about his life to his customers.

13 MR. ZABELL: If I can for a moment put myself in  
14 Mr. Antollino's mind, I think he is talking about comments  
15 that were posted on a Facebook page about his  
16 deteriorating relationship with his ex-wife.

17 I don't see how that is relevant. Again,  
18 through plaintiff's case, the actual jumper came in and  
19 talked about what she complained about. It wasn't that  
20 Mr. Zarda has shared personal facts with her. It was the  
21 timing of the sharing of the personal facts.

22 THE COURT: This Facebook page is a website  
23 Facebook page or his personal Facebook page?

24 MR. ANTOLLINO: The company's Facebook page.

25 THE COURT: Do you have an exhibit number?



Maynard - Direct/Mr. Antollino

513

1 MR. ANTOLLINO: Yes. That is Exhibit 7.

2 THE COURT: All right. I'll look at it during  
3 the break. Okay? Let's take a break.

4 MR. ANTOLLINO: Okay, judge.

5 (A recess was taken.)

6 (After recess the following occurred.)

7 THE COURT: On the posting of the website,  
8 again, my understanding is that this is the Skydive Long  
9 Island page and it looks like this is an entry that  
10 Mr. Maynard put on that page regarding his ex-wife. I  
11 think that certainly is relevant on the issue of the  
12 timing of it and whether or not there is a difference  
13 because it's not during a dive versus posting it for  
14 anyone to ignore it. If they would just ignore it, I  
15 think it goes to the weight. But I think it should come  
16 in.

17 It looks like it's -- there are two of these,  
18 right? I assume it is the same edition, cumulative?

19 MR. ANTOLLINO: Right.

20 THE COURT: How many are you using, just those  
21 two?

22 MR. ANTOLLINO: Just a couple.

23 THE COURT: What do you mean a couple? Beyond  
24 what I see here? I see one where he has his arm around  
25 his wife.

Maynard - Direct/Mr. Antollino

514

1 MR. ANTOLLINO: Yes.

2 THE COURT: And there is another one, a picture  
3 of them over coffee or something or a soda?

4 MR. ANTOLLINO: Yes.

5 THE COURT: Is that --

6 MR. ANTOLLINO: The comment about his pathetic,  
7 crazy ex-wife, which she testified, Why did you feel the  
8 need to mention this on the business Facebook page?

9 THE COURT: I'm going to allow it in. I just  
10 want to make sure there is not a series of those.

11 MR. ANTOLLINO: No.

12 MR. ZABELL: Your Honor, I have the ruling. I'm  
13 not arguing. But full disclosure, there are, there are  
14 two different Skydive Long Island or Skydive LI Facebook  
15 pages. My client is prepared to testify about both of  
16 them and who was able to see them.

17 I just don't want to mislead in my silence that  
18 this is something that is completely available to  
19 everybody.

20 MR. ANTOLLINO: It was available to me. I liked  
21 it and I've been following Skydive Long Island for five  
22 years.

23 THE COURT: I'm just saying it goes to weight.  
24 You can cross-examine your client on who can see this and  
25 all of the circumstances surrounding this, but your

Maynard - Direct/Mr. Antollino

515

1 silence is not acquiesce --

2 MR. ZABELL: I just did not want to mislead  
3 anyone by my silence.

4 THE COURT: All right.

5 I'm going to ask you to try to move it along  
6 more quickly. I don't know how much more background you  
7 have.

8 MR. ANTOLLINO: When I go too fast, judge, the  
9 tensions rise and people get upset. I'm just trying to go  
10 as smoothly as possible. I understand, judge, we're in  
11 the second week. I just want it to go as smoothly as  
12 possible without objections. So by going slow and asking  
13 questions that end with, correct, I don't get an objection  
14 from him that I didn't ask a question, I just made a  
15 statement. And that avoids the sidebar. So I'm doing it  
16 very carefully to avoid other mishegas, so --

17 THE COURT: I'm the judge. I'm telling you it's  
18 going too slow. I don't know why you're doing it. If  
19 you're anticipating to go a little faster than Mr. Zabell  
20 may be jumping up and down. I don't know why you're doing  
21 it. I'm just telling you, you're taking too long. So for  
22 whatever reasons you have for doing it, it's taking too  
23 long.

24 I have been patient. I'm waiting. We have 45  
25 minutes. But I'm just telling you to try to move it along

**Maynard - Direct/Mr. Antollino**

516

1 a lit quicker, okay?

2 MR. ZABELL: Judge, I do note that Mr. Kengle  
3 has returned, so we can take him now.

4 THE COURT: Do you want to do that,  
5 Mr. Antollino?

6 MR. ANTOLLINO: Let me consult with counsel.

7 As long as we can agree that Mr. Cardinale can  
8 call him and we -- we can agree to that now, we'll call  
9 him and have Mr. Cardinale ask questions and lead rather  
10 than have to go through what we went through last week.

11 THE COURT: Well, you can call him, I guess, but  
12 I -- again, I haven't heard his deposition testimony but I  
13 assume he is adverse in the same way that Mr. --

14 MR. ANTOLLINO: He was the one that made the  
15 complaint.

16 THE COURT: I understand. I understand that.  
17 Okay. Any objection?

18 MR. ZABELL: No.

19 THE COURT: So you can step down. You can say  
20 that for the record.

21 MR. ZABELL: Yes, I'm sorry.

22 I have no objection.

23 MR. ANTOLLINO: I need a second to set up  
24 Mr. Kengle's video and move these things over so Rich can  
25 call Mr. Kengle and ask the questions.

**Maynard - Direct/Mr. Antollino**

517

1 THE COURT: Has Mr. Kengle seen the video yet?

2 MR. ANTOLLINO: Yes.

3 THE COURT: Okay.

4 MR. ANTOLLINO: Judge, do you want me to seat  
5 Mr. Kengle?

6 THE COURT: Yes, he can come up.

7 (Continued on the following page.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: Are we ready?

2 MR. ANTOLLINO: Judge, this witness has seen the  
3 video, is that correct, Mr. Kengle?

4 MR. KENGLE: Yes.

5 MR. ANTOLLINO: You've seen the video of  
6 yourself.

7 MR. KENGLE: My video.

8 THE COURT: All right.

9 (Whereupon, the jury at this time enters the  
10 courtroom.)

11 THE COURT: If everyone will be seated. As we  
12 did last week, we'll take a witness out of order. The  
13 order of a witness doesn't matter obviously so we'll  
14 interrupt Mr. Maynard's testimony and then we'll go back  
15 to it.

16 MR. CARDINALE: Plaintiff calls David Kengle.

17 THE CLERK: Raise your right hand.

18 **DAVID KENGLE**

19 having been first duly sworn, was examined and  
20 testified as follows:

21 THE CLERK: Please spell your name for the  
22 record.

23 THE WITNESS: David K-E-N-G-L-E.

24 THE COURT: Have a seat, Mr. Kengle.

25

**Kengle - Direct/Cardinale**

519

1 DIRECT EXAMINATION

2 BY MR. CARDINALE:

3 Q You and I never met before?

4 A I don't believe so.

5 Q And we've never seen each other before?

6 A No.

7 Q Mr. Kengle, in which county do you reside in?

8 A Suffolk County.

9 Q Are you presently employed?

10 A Yes.

11 Q What is your employment?

12 A I'm a bartender.

13 Q I'll direct your attention to June 18, 2010. Do you  
14 remember that date?

15 A Yes.

16 Q That was the day you went skydiving with Skydive Long  
17 Island?

18 A Yes.

19 Q And you went with your girlfriend Rosana Orelana?

20 A Orelana.

21 Q And you are still with Ms. Orelana today?

22 A Yes.

23 Q And she was your girlfriend on June 18, 2010?

24 A Yes.

25 Q And when -- before you went on the plane at Skydive

**Kengle - Direct/Cardinale**

520

1 Long Island on June 18, 2010, you watched a video which  
2 gave you instructions; am I correct?

3 A Yes.

4 Q And the video explained to you that you and Rosana  
5 would be in close physical proximity with the skydiving  
6 instructor; is that correct?

7 A Correct.

8 Q You and Rosana also signed some forms, is that true?

9 A Yes.

10 Q And you read those forms?

11 A Yes.

12 Q And those forms stated you would not hold Skydive  
13 Long Island responsible for any harm that came to you  
14 while skydiving, correct?

15 A Yes.

16 Q The forms also state that you consented to being  
17 touched by a instructor, true?

18 A Yes.

19 Q And the form also stated that you consented that you  
20 would be in close physical proximity to the instructor, is  
21 that true?

22 A If you are telling me if that's true, I don't  
23 remember the form.

24 Q Okay. I'll hand you what has been received in  
25 evidence as Plaintiff's Exhibit 36.



**Kengle - Direct/Cardinale**

521

1 May I approach the witness, your Honor?

2 A Yes.

3 Q That document is in evidence. Did you sign that  
4 document?

5 A Yes.

6 Q Please read paragraph 13 for the jury.

7 A If I am making a student jump I understand I'll be  
8 wearing a harness which will need to be adjusted by the  
9 jumpmaster. If my jump is a tandem jump I understand that  
10 the tandem master will attach my harness to his and this  
11 will put my body in close proximity to that of the tandem  
12 master. I specifically agree to physical contact between  
13 the tandem master and myself.

14 Q Do you remember signing that document?

15 A I do.

16 Q And Rosana also signed the same document?

17 A Yes.

18 Q And did -- do you know if Rosana read the form before  
19 signing that?

20 A She did.

21 Q Now, with regard to your relationship with Rosana,  
22 you have referred to yourself as the brains of the  
23 operation; is that right?

24 A True.

25 Q And you also described yourself as the legal person

**Kengle - Direct/Cardinale**

522

1 in the relationship?

2 A I guess. I don't know. I don't know what that means  
3 by that, but okay.

4 Q Do you remember testifying at a pretrial deposition  
5 in this case?

6 A It sounds like you are referring to a joke I made at  
7 the time or something like that, but I'm not aware. We  
8 don't have any lawyers, so I mean the legal -- I don't  
9 know.

10 Q You described yourself in your deposition as being  
11 the legal person in the relationship. Those were the  
12 words you used; is that correct?

13 A I don't know what you are talking about.

14 Q Do you remember giving a deposition in this case on  
15 November 9, 2011?

16 A Yes.

17 Q You were under oath?

18 A Yes.

19 Q You testified truthfully?

20 A I did.

21 Q I will refer you to page 16 of the deposition,  
22 line 7.

23 Question: Was she reading the document?

24 Answer: Yes, I mean she probably skimmed it. I  
25 don't think she read it as attentive as I did. I don't

**Kengle - Direct/Cardinale**

523

1 recall. She may have, I don't know, just knowing that I  
2 assume, you know. I would assume you know she probably  
3 left it for me. She trusts my judgment. I'm kind of the  
4 brains of the operation, I guess. I'm the legal person,  
5 you know.

6 Q Did you give that -- were you asked that question and  
7 did you give that answer during your deposition.

8 MR. ZABELL: Objection, your Honor. He doesn't  
9 have the deposition transcript in front of him.

10 THE COURT: Do you want to show it to him?

11 MR. CARDINALE: Sure?

12 Handing you a transcript of your deposition.  
13 Please read line 7.

14 A It's what you just read, yes.

15 MR. CARDINALE: Is that correct?

16 THE WITNESS: Yes.

17 Q You did testify that you were the legal person in the  
18 relationship, yes?

19 A In the middle of my testimony it seems like I made a  
20 joke so I don't know what that means. But yes, true.

21 Q Thank you.

22 Now, before you went up on the plane, you paid  
23 for the jump for you and Rosana; is that correct?

24 A Yes.

25 Q And were you employed at the time?

**Kengle - Direct/Cardinale**

524

1 A Yeah.

2 Q And you also paid extra money to have the jump  
3 videotaped, is that true?

4 A Yes.

5 Q And you've seen this videotape?

6 A I have.

7 MR. CARDINALE: Your Honor, may I have a second,  
8 please.

9 Your Honor, I'll play Plaintiff's Exhibit 53.

10 THE COURT: Okay. Is there any objection to the  
11 admission of 53?

12 MR. ZABELL: No, your Honor.

13 THE COURT: Exhibit 53 is admitted and may be  
14 played for the jury.

15 MR. CARDINALE: Mr. Kengle, it should be on the  
16 screen.

17 MR. ZABELL: 53 was already admitted.

18 THE COURT: Hold on.

19 MR. ZABELL: 53 was already admitted, was  
20 something called Don's video.

21 MR. ANTOLLINO: 54 then, your Honor, I'm sorry.

22 THE COURT: Okay, 54.

23 (Whereupon, Plaintiff Exhibit 54 was received in  
24 evidence.)

25 (Video clip played.)

**Kengle - Direct/Cardinale**

525

1 BY MR. CARDINALE:

2 Q Mr. King, how many times have you seen this video  
3 since June of 2010?

4 A Not many. Couple times.

5 Q Couple times, meaning two?

6 A I don't know.

7 Q You were able to hear what was said on the video when  
8 you were seated?

9 A Yes.

10 Q Isn't it true that during the video you were asked by  
11 one of the instructors how you were feeling?

12 A Yes.

13 Q And you testified you felt great?

14 A Uh-huh.

15 Q You also testified that you were doing good?

16 A Yes.

17 Q You also made the thumbs up hand gestures, is that  
18 true, to the videographer?

19 A Yes.

20 Q What did that mean, the thumbs up hand gesture?

21 A We were ready to jump out of the plane.

22 Q You were having a good time?

23 A Yes.

24 Q Is it fair to say your girlfriend Rosana seemed happy  
25 on the video?

**Kengle - Direct/Cardinale**

526

1 A Yes.

2 Q And at one point you saw her pucker her lips for the  
3 camera?

4 A Yes.

5 Q At the end of the video, you were asked how was the  
6 jump in sum and substance.

7 Do you remember that?

8 A Yes.

9 Q What was your response?

10 A I said great, awesome.

11 Q What were the exact words she used?

12 A Do you want to play it again?

13 Q I'll hand you your deposition.

14 Page 48, line 17.

15 Mr. Kengle, please turn to page 48, line 17.

16 Tell me when you get there?

17 A I'm there.

18 Read it?

19 Q Yes. During your deposition, were you asked these  
20 questions and did you give these answers?

21 Question: I see at some point at the very end  
22 you were asked how your experience was and what were your  
23 exact words?

24 Answer: Awesome.

25 Question: Was it anything more than that?

**Kengle - Direct/Cardinale**

527

1 Answer: I'm sorry?

2 Question: Was there something awesome or an  
3 adjective to describe awesome?

4 Answer: Fucking awesome, I believe it was.

5 "Question: Was that true at that time?

6 Answer: Jumps out of the plane, yeah, it was  
7 pretty fucking awesome."

8 Did you give that testimony during your  
9 deposition?

10 A I did.

11 Q I'm sorry?

12 A I did.

13 Q Now, you remember skydiving on June 18, 2010,  
14 correct?

15 A I do.

16 Q Do you remember being on the plane with your  
17 instructor?

18 A I do.

19 Q Do you remember your instructor's name?

20 A I do not.

21 Q Okay. Did your instructor inform you that he was  
22 from New Zealand?

23 A I don't remember.

24 Q Did you discuss anything personal with your  
25 instructor about where he was from?

**Kengle - Direct/Cardinale**

528

1 A Did I discuss anything where he was from?

2 Q Did he discuss anything personal with you, the  
3 instructor, like where he was from?

4 A I don't consider telling me where he was from being  
5 personal, but sure, if you tell me that he told me where  
6 he was from yes. But he didn't tell me --

7 Q When you were flying on the plane to the Drop Zone,  
8 you were in close physical proximity with your instructor?

9 A I was.

10 Q While you were on the plane, your body was touching  
11 your instructor's body?

12 A It was.

13 Q You were sitting between your instructor's open legs?

14 A Yes.

15 Q Your back was attached to the front of his body?

16 A It was.

17 Q You are attached to the instructor's hips?

18 A I was.

19 Q How long were you on the plane before you got to the  
20 Drop Zone?

21 A I don't know. A few minutes.

22 Q Ten, fifteen minutes, or longer when you say a few?

23 A I don't know. I don't know the exact number.

24 Q During the time in the plane, you observed your  
25 girlfriend Rosana being strapped to her instructor?



**Kengle - Direct/Cardinale**

529

1 A Yes.

2 Q And he was Don Zarda?

3 A He was.

4 Q And while Rosana was being attached to Mr. Zarda, one  
5 of the other instructed stated how do you feel about your  
6 girlfriend being strapped to another guy?

7 MR. ZABELL: Objection.

8 THE COURT: What is the objection?

9 MR. ZABELL: It's misleading the witness based  
10 upon the testimony that has been adduced so far during the  
11 trial.

12 THE COURT: The witness can answer independent  
13 of any other testimony.

14 A Somebody made a joke to that effect.

15 Q What was said exactly?

16 A Along the lines, you know, your girlfriend will be  
17 strapped to another guy, ah-ha.

18 Q And Don Zarda did not make the comment, true?

19 A I don't know who made it.

20 Q But did Don Zarda make it?

21 MR. ZABELL: Objection, asked and answered.

22 THE COURT: You can answer that, if you  
23 remember.

24 A Somebody made it. I mean I really don't remember who  
25 made it, but somebody made it.

**Kengle - Direct/Cardinale**

530

1 Q Okay. Do you still have your deposition in front of  
2 you?

3 A I do.

4 Q I refer you to page 20, line 8. Tell me when you get  
5 there?

6 A I'm there.

7 Question: Who made the joke about, did you know  
8 that your girlfriend was going to be strapped to another  
9 guy?

10 Answer: I think it was a third instructor that  
11 was neither one of our instructors.

12 Question: Did everyone laugh?

13 Answer: I think it was the guy with the camera,  
14 actually.

15 Question: The guy with the camera?

16 Answer: Maybe."

17 Were you asked those questions and did you give  
18 those answers during your deposition?

19 A I did.

20 Q I also refer you to page 42 of your deposition,  
21 line 23. Tell me when you get there?

22 A I'm there.

23 Question: Who made the joke about being  
24 strapped to your girlfriend, was that that Don or someone  
25 else?

**Kengle - Direct/Cardinale**

531

1 Answer: It was definitely somebody else because  
2 it was -- I remember it being how do you feel about this  
3 guy getting strapped to your girlfriend? I don't remember  
4 exactly which of the instructors it was but it was  
5 definitely not Don.

6 Did you give that testimony?

7 A I did.

8 Q As you sit here today, do you recall that Don did not  
9 make that comment?

10 A It was probably somebody else because where I say  
11 about somebody else being strapped to your girlfriend,  
12 yeah.

13 Q You said probably it was somebody else?

14 A Yes.

15 Q Isn't it true during your deposition you said it was  
16 definitely not Don?

17 A This was four years ago. The jump was five years  
18 ago, so I mean I probably have a better memory of it then,  
19 but --

20 Q During your deposition, you didn't use the word  
21 "definitely," true?

22 A I did.

23 Q Did you like that joke? Were you offended by it?

24 A I wasn't offended by it. Did I like it? You know,  
25 it was a type of joke -- I'm not thrilled about it. I can

**Kengle - Direct/Cardinale**

532

1 take a joke.

2 Q Is it fair to say that you believe Don Zarda touched  
3 Rosana in an inappropriate manner on the plane?

4 A Yes.

5 Q When you saw them you weren't so concerned about your  
6 judgment, correct?

7 A Yes.

8 Q You realized when you go skydiving you have to rely  
9 on your judgment of the instructor, isn't that true?

10 A Correct.

11 Q Your life is in the instructor's hands.

12 A It is.

13 Q But you didn't say anything to Mr. Zarda about the  
14 touching, did you?

15 A I did not, no.

16 Q And you didn't ask to be brought back to the ground  
17 to receive a replacement instructor for Rosana?

18 A No, I did not.

19 Q You allowed your girlfriend's life to be placed in  
20 the hands of whose judgment you questioned?

21 A Now that I think about it, you are taking it a little  
22 too far because I questioned the appropriateness of his  
23 behavior, but I don't think all judgment is, you know,  
24 created equal. I don't think that, you know, me feeling  
25 that he did something inappropriate was now I felt her

**Kengle - Direct/Cardinale**

533

1 life was in danger. I don't agree with that.

2 Q You consider yourself a very focal person who stands  
3 up for himself; isn't that right?

4 A Yes.

5 Q Would you say Rosana is a talkative person?

6 A She's talkative but she's not, you know, she doesn't  
7 stand up -- I mean she's not whatever you described me as.

8 Q While you were on the plane, you did not observe  
9 Rosana say anything to Mr. Zarda about inappropriate  
10 touching, did you?

11 A No, she said it to me on the way home.

12 Q Never said it on the plane to Mr. Zarda, isn't that  
13 true?

14 A I don't believe so.

15 Q She did not ask to be brought down and given a  
16 different instructor, isn't that true?

17 A It is not.

18 Q You jumped out of the plane?

19 A Yes.

20 Q And Rosana jumped out of the plane?

21 A Yes.

22 Q She landed safely?

23 A Yes.

24 Q Do you recall what she said when she landed?

25 A I do not.

**Kengle - Direct/Cardinale**

534

1 Q Do you recall that she said her experience was  
2 awesome?

3 A I do not, but it sounds like.

4 Q Now that you are safely on the ground, did you say  
5 anything to Mr. Zarda about inappropriate touching of  
6 Rosana?

7 A No.

8 Q And Rosana did not say anything to Mr. Zarda about  
9 being inappropriately touched, did she?

10 A She did not.

11 Q In fact you observed Rosana pose for a picture with  
12 Mr. Zarda at landing site, isn't that true?

13 A I don't remember but --

14 Q Okay. I'll refer you again to your deposition,  
15 page 57. Tell me when you get there.

16 A Okay.

17 Q Line 13. Are you there?

18 A Uh-huh.

19 Question: Were you asked these questions and  
20 did you give these answers:

21 "Question: At the very end of the frame she  
22 moved her face in close to Mr. Zarda's to take a picture,  
23 right?

24 Answer: Yes.

25 Question: Did anyone force her to do that?

**Kengle - Direct/Cardinale**

535

1 Answer: No.

2 Question: You went in and took a picture too?

3 Answer: Sure."

4 Were you asked those questions and did you give  
5 those answers?

6 A Yes.

7 Q Now, you testified a minute ago that she didn't  
8 complain to Mr. Zarda about inappropriately touching  
9 Rosana, isn't that true?

10 A Yes.

11 Q And after you landed, did you ask to speak to someone  
12 in charge like a manager or an owner to complain?

13 A No.

14 Q Did you hear Rosana ask to speak to someone in charge  
15 in order to complain?

16 A No.

17 Q Now, Rosana told you later on the way home that  
18 Mr. Zarda had told her at one point prior to landing not  
19 to worry because he's gay, is that true?

20 A Yes.

21 Q Do you consider that to be an offensive comment?

22 A No.

23 Q Based on what Rosana was telling you, did you feel  
24 Mr. Zarda was trying to reassure Rosana?

25 A It sounds like he was trying to reassure her whatever

**Kengle - Direct/Cardinale**

536

1 he said was okay because he was gay. That's what it  
2 sounds like to me.

3 Q The day you and Rosana went skydiving on June 18,  
4 2010, do you recall what day of the week that was?

5 A I do not.

6 Q Was it a Friday?

7 A I believe it was sometime over the weekend, yes.

8 Q Okay. Now, at any point on June 18, 2010, you did  
9 not complain to anyone at Skydive Long Island, isn't that  
10 true?

11 A Correct.

12 Q And you didn't complain the next day either?

13 A I believe it was over the weekend that I complained  
14 on Monday.

15 Q You complained on Monday. June 18, 2010, you didn't  
16 complain, true?

17 A It was her birthday.

18 Q Saturday you didn't complain?

19 A Okay.

20 Q Sunday you didn't complain?

21 A Okay.

22 Q And you waited until Monday to complain?

23 A Yes.

24 Q You realized when you complained, there was a chance  
25 you would get your money back, isn't that true?



**Kengle - Direct/Cardinale**

537

1 A Actually I didn't realize there was a chance to get  
2 my money back. I didn't make the complaint in order to  
3 get my money back.

4 I was complaining, and he gave me my money back,  
5 but I wasn't expecting it.

6 Q Who did you ask to speak with when you complained?

7 A I don't remember.

8 Q But you did speak with Maynard, isn't that true?

9 A At first I spoke to a woman over the phone who took a  
10 message, and he called me back.

11 Q Isn't it true, Mr. Maynard never spoke with Rosana?

12 A Correct.

13 Q He got the whole story from you?

14 A Correct.

15 Q And Mr. Maynard refunded your money?

16 A He did.

17 Q You accepted the refund?

18 A I did.

19 Q You didn't have to accept it, true?

20 A Did I have to? No, I guess I didn't have to.

21 Q Mr. Maynard sent you a check?

22 A I believe so.

23 Q And you didn't call him back and say I'm not taking  
24 the check, I just wanted to complain to you about what  
25 happened?

**Kengle - Direct/Cardinale**

538

1 A No, I didn't do that.

2 Q When you discussed the incident with Mr. Maynard, you  
3 never told him that Mr. Zarda discussed his sex life with  
4 Rosana, isn't that true?

5 A I'm sorry?

6 Q You never told Mr. Maynard that Mr. Zarda discussed  
7 his sex life with Rosana, isn't that true?

8 A I never discussed --

9 Q Did you ever tell Mr. Maynard that Mr. Zarda  
10 discussed his sex life with Rosana?

11 A First of all, I don't remember exactly the  
12 conversation that we had. I made a complaint based on  
13 what I felt was inappropriate and the story that my  
14 girlfriend Rosana gave me at the time. Exactly what I  
15 told him, I don't remember the details, but he did refer  
16 to his personal life, reference his personal life in some  
17 capacity. I felt that added inappropriateness, and that  
18 was my complaint.

19 Q You still have your deposition in front of you?

20 A Yes.

21 Q I refer you to page 36, line 20. Tell me when you  
22 get there?

23 A Okay.

24 Q Were you asked these questions and did you give these  
25 answers at your deposition?

**Kengle - Cross/Zabell**

539

1 Question: You said something earlier about that  
2 you said Don was mentioning something about his sex life?

3 Answer: Well, his sexual preference.

4 Question: That's not the same as sex life?

5 Answer: Well, he mentioned his boyfriend. I  
6 don't remember. Yeah, I guess not."

7 Were you asked those questions and did you give  
8 those answers?

9 A I did.

10 Q You did tell Mr. Maynard that Mr. Zarda told Rosana  
11 that he was gay, isn't that true?

12 A I did.

13 MR. CARDINALE: No further questions, your  
14 Honor.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. ZABELL:

18 Q Mr. Kengle, do you still have your deposition in  
19 front of you?

20 A I do.

21 Q I'll ask you to read on page 37, right after  
22 Mr. Cardinale had you read. Doesn't that follow-up the  
23 question on line 3? What if he had mentioned his wife,  
24 would that just been just as bad?

25 Read back your answer beginning at line 5?

**Kengle - Cross/Zabell**

540

1 MR. CARDINALE: Objection, your Honor.

2 THE COURT: What is the objection?

3 MR. CARDINALE: His testimony has nothing to do  
4 with the question I just asked.

5 THE COURT: Come up to side bar.

6 (Whereupon, at this time the following took  
7 place at the sidebar.)

8 (Continued.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**Kengle - Cross/Zabell**

541

1 (Out of the presence of the jury.)

2 MR. ZABELL: This is the condensed.

3 THE COURT: Which line is it?

4 MR. ZABELL: (Indicating).

5 THE COURT: I think I'll allow it under the rule  
6 of completeness.

7 MR. ZABELL: Thank you.

8 (End of sidebar conference.)

9 (Continued.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**Kengle - Cross/Zabell**

542

1 (In open court.)

2 Q Mr. Kengle, so Mr. Antollino asked you a question,  
3 what if he had mentioned his wife?

4 Could you read back what your answer was?

5 Answer: It's more the way it was. I think it  
6 should not even come up. First of all, the sentence I  
7 hope you don't feel uncomfortable because you know I'm  
8 gay, the fact that she had had anything to feel  
9 uncomfortable in the beginning, the fact that he was aware  
10 of that event that there was something inappropriate. Why  
11 else would she feel inappropriate?

12 Q Mr. Kengle, I don't know why I didn't ask this of you  
13 before. Did you complain about Don Zarda?

14 A Did I complain?

15 Q Yes.

16 A Yes, I was the one who called Ray Maynard or Skydive  
17 Long Island and issued a complaint.

18 Q What was that?

19 A That he acted inappropriately.

20 Q Did you explain how he acted inappropriately?

21 A I did explain how he acted inappropriately.

22 Q And did you relay to Mr. Maynard that you felt  
23 Mr. Zarda was being flirtatious with Rosana?

24 A I did, yes.

25 Q And did you relay that to Mr. Maynard that Mr. Zarda

**Kengle - Cross/Zabell**

543

1 kept his hands on her hips or thigh area throughout the  
2 jump?

3 A I did.

4 Q Did you relay to Mr. Maynard that Don Zarda was  
5 whispering in her ear?

6 MR. CARDINALE: Objection to leading, your  
7 Honor.

8 THE COURT: It's cross-examination.

9 A I did.

10 Q Did you relay to Mr. Maynard that Mr. Zarda was  
11 making gestures around his face and pointing at  
12 Ms. Orelana?

13 A I did.

14 Q I'm going to show you a video, and if you could  
15 identify for me this video.

16 Your Honor, this is this is a video previously  
17 admitted into evidence. This is Ms. Orelana's jump?

18 THE COURT: Okay.

19 Q Now, Mr. Kengle, can you identify the two people in  
20 this video?

21 A Yes.

22 Q Who were the two people in the video?

23 A On the left is Don Zarda. On the right is my  
24 girlfriend Rosana Orelana.

25 Q Okay. Let me wind it back a little bit.

**Kengle - Cross/Zabell**

544

1                   Is that something you complained about to  
2   Mr. Maynard?

3   A     Yes, one of the main things I complained about was  
4   the fact that I noticed him kind of gesturing to his  
5   mouth, his fellow instructors, as if to say, you know,  
6   look at the girl. And the fact that I noticed it, it was  
7   that blatant and on the video was something that, yeah, it  
8   definitely bothered me, and I complained about it.

9   Q     Did you complain to Mr. Maynard that someone said how  
10   do you feel about your girlfriend being strapped to  
11   another dude?

12   A     I did not.

13   Q     Was that something that you felt was something that  
14   you should have complained about?

15   A     No.

16   Q     Did you see that?

17   A     Yes.

18   Q     Could you describe what you saw?

19   A     I saw her instructor Don gesturing to my girlfriend,  
20   you know, surrounding his fingers around his mouth, you  
21   know, implying something to the camera.

22   Q     Were you able to see that during the jump?

23   A     I was.

24   Q     And did you complain about that to Mr. Maynard?

25   A     I did.



**Kengle - Cross/Zabell**

545

1 Q Now, did you tell -- who is that?

2 A That's me.

3 Q Okay. Did you tell Mr. Maynard that you were going  
4 to sue him?

5 A No.

6 Q Did you tell Mr. Maynard that you don't care what  
7 release you signed, you were still going to file a  
8 lawsuit?

9 A No.

10 Q Now, when you were falling from the airplane, were  
11 you having a discussion with your instructor?

12 A I was.

13 Q What were you discussing?

14 A He was kind of giving me, you know, the layout of the  
15 land and the history of whatever area we were in kind of  
16 thing. Very skydive-related.

17 Q And when you were jumping with your instructor, when  
18 you were in the plane with your instructor, did he have  
19 your hands on your hips?

20 A I don't think so. Not with my hips. We were in  
21 contact but it was not inappropriate the way I viewed  
22 Don's contact as inappropriate in the sense that he was  
23 kind of taking advantage of the situation by being overly  
24 familiar with me.

25 Q Is that how you describe Don Zarda's behavior with

**Kengle - Cross/Zabell**

546

1 Rosana?

2 A Yes, I don't think -- my complaint was not that he  
3 touched her in like he groped her. My complaint is he  
4 used the proximity, everything we signed off on, as if  
5 that gives him free license to be as familiar as he wants  
6 to be. So even reading that before, that doesn't -- that  
7 doesn't mean you can just act any way you want to act or  
8 touch anybody you want to touch. There is a line that is  
9 still there.

10 I felt he was overly familiar in the fact that  
11 he was touching his lips, he was referencing what my  
12 girlfriend looked like, and putting his chin on her  
13 shoulder, and things like that.

14 Q Did there come a time you discussed your observations  
15 of the jump with Rosana?

16 A Yes.

17 Q When was that?

18 A We talked about it on the way home. When it came  
19 altogether, I did notice things in the plane that kind of,  
20 you know, irritated me, annoyed me, but we really had a  
21 conversation about it driving home, and that's when I  
22 started becoming angry about what had happened.

23 Over the course of the weekend I became angry  
24 enough that I called on Monday morning.

25 Q And did you mention Rosana's birthday at all when you

**Kengle - Cross/Zabell**

547

1 spoke to Ray Maynard?

2 A I probably did. It was her birthday.

3 Q Do you recall what you may have mentioned?

4 A I was trying to make it a special day.

5 MR. CARDINALE: Objection.

6 THE COURT: What is the question?

7 MR. ZABELL: The question was what happened and  
8 he is testifying how he felt.

9 THE COURT: About what you relayed.

10 THE WITNESS: I relayed the information and I  
11 was trying to make it a special day.

12 Q How did your experience from the jump on that Friday  
13 make you feel about that special day?

14 A I felt like --

15 MR. CARDINALE: Objection. This wasn't in the  
16 complaint. He should be not be testifying as to his  
17 feelings. I want him to testify about his background, why  
18 he complained.

19 THE COURT: Okay, overruled.

20 MR. ZABELL: May I ask the reporter to read back  
21 the question, please?

22 THE COURT: Owen, please read back the question.

23 (Whereupon, the record was read back by the  
24 reporter.)

25 A I felt especially being this is our only experience

**Kengle - Redirect/Cardinale**

548

1 with skydiving, it was slightly tainted, that, you know,  
2 we would have preferred. The first thing I asked her  
3 driving home was what she thought.

4 MR. CARDINALE: Objection to hearsay.

5 THE COURT: Again, he's testifying as to the  
6 background as to why he made the call.

7 Overruled.

8 A The first thing she said to me, she wished she had  
9 had a different instructor because it made her feel  
10 uncomfortable. So that kind of, you know, sums up I'm  
11 glad we went skydiving, glad we had the experience, but it  
12 wasn't as perfect as it could have been.

13 MR. ZABELL: Thank you.

14 I have nothing further.

15 THE COURT:

16 REDIRECT EXAMINATION

17 BY MR. CARDINALE:

18 Q Mr. Kengle, when I was questioning you, you indicated  
19 that that the skydiving occurred approximately five years  
20 ago and you don't recall it as well as you did in your  
21 deposition?

22 A Something I do recall pretty vividly.

23 Q When I asked you, you didn't recall what you said in  
24 the deposition, true?

25 A The deposition I probably don't recall as of the

**Kengle - Redirect/Cardinale**

549

1 incident.

2 Q And you didn't recall some of the details when I  
3 asked you about the incident?

4 A I recall the experience. If you are asking me a  
5 specific detail about the number of minutes, no, I don't  
6 think anybody would recall details like that.

7 Q So you don't remember specific details, is that what  
8 you are saying?

9 A I do remember specific details. I didn't remember  
10 every specific detail.

11 Q When Mr. Zabell was questioning you, you remembered  
12 every detail what he was asking you?

13 A I remember a lot of details.

14 Q Like when Mr. Zabell was questioning you, you recall  
15 all the details about your complaints, isn't that true?

16 MR. ZABELL: Objection.

17 THE COURT: Sustained.

18 Q How many times since June 18, 2010, have you met with  
19 an attorney for Skydive Long Island?

20 A How many times? I mean we had a deposition. We had  
21 a meeting before the deposition. I believe that was it.

22 Maybe there were two meetings.

23 I remember at some point we were discussing we  
24 would have a deposition.

25 Q So it's your testimony that you met two times?

**Kengle - Redirect/Cardinale**

550

1 A I really don't remember.

2 Q Did you meet more than five times?

3 A No.

4 Q Did you meet three times?

5 A Two to three, tops.

6 Q Okay. How many times did you meet with Mr. Zabell  
7 before testifying here today?

8 A Two to three times, tops.

9 Q The first time you met an attorney from Skydive Long  
10 Island, he came to your home, isn't that true?

11 A I believe so.

12 Q Okay. Well, do you have your deposition in front of  
13 you?

14 Page 8, line 11. Tell me when you get there,  
15 please?

16 Are you there?

17 A I'm there.

18 Q Were you asked these questions and did you give these  
19 answers:

20 Question: When was the first time you met  
21 Mr. Zabell?

22 Answer: He came to -- by my apartment once. I  
23 think it was late spring, early summer.

24 Question: What happened?

25 Answer: You know he -- we had spoken on the

**Kengle - Redirect/Cardinale**

551

1 phone first, he let us know everything that was going on  
2 and he said he needed to get my statements, so he came  
3 over and we gave him our statements.

4 Did you give that testimony in your deposition?

5 A I did.

6 Q So you remember Mr. Zabell coming to your home?

7 A Vaguely.

8 Q Now, when Mr. Zabell came to your home, you were  
9 living with Rosana at the time, true?

10 A I was.

11 Q And he met with Rosana as well?

12 A I believe so.

13 Q Was she there when Mr. Zabell was questioning you?

14 A I think so, yes.

15 Q And was she in the other room?

16 A No.

17 Q Now, a second time you met with Mr. Zabell was the  
18 afternoon of your deposition on November 9, 2011, isn't  
19 that true?

20 A I don't remember if it was the second time. I feel  
21 like you are asking me, you are trying to catch me in  
22 details. I don't know what you mean by that.

23 Q Did you meet with Mr. Zabell the day of your  
24 deposition?

25 A I met with him the day of the deposition.

**Kengle - Redirect/Cardinale**

552

1 Q Rosana was there as well?

2 A Yes.

3 Q And you went to a steakhouse?

4 A We did.

5 Q And Skydive Long Island picked up the tab?

6 A I don't know.

7 Q Did you pay?

8 A I did not pay.

9 Q Who paid for it?

10 A I think Saul did.

11 Q You ordered a steak?

12 A I really don't remember what I had for lunch four  
13 years ago, but I probably had a steak.

14 Q Do you recall what Rosana ordered?

15 A I don't.

16 Q You were unemployed when your deposition was taken at  
17 that time, isn't that true?

18 A I don't know.

19 Q Now, I'm going to hand you what has been marked as  
20 Defendants' Exhibit L.

21 MR. CARDINALE: May I approach the witness, your  
22 Honor?

23 THE COURT: Yes.

24 Q Please take a look at the document.

25 Do you recognize it?



**Kengle - Redirect/Cardinale**

553

1 A Do I recognize it? It's an affidavit.

2 Q An affidavit signed by you?

3 A Yes.

4 Q Under oath?

5 A Yes.

6 MR. CARDINALE: Your Honor, I move Defendants'  
7 Exhibit L into evidence.

8 MR. ZABELL: I object, your Honor, based on  
9 relevance.

10 THE COURT: Why don't you approach.

11 (Whereupon, at this time the following took  
12 place at the sidebar.)

13 (Continued.)

14

15

16

17

18

19

20

21

22

23

24

25

**Kengle - Redirect/Cardinale**

554

1 (Out of the presence of the jury.)

2 MR. ANTOLLINO: Judge, this goes to the issue of  
3 after he signed his deposition, he supplied this affidavit  
4 which came out of nowhere changing his deposition for  
5 Mr. Zabell's purposes, and it shows the connection between  
6 the two and Mr. Zabell's manipulation or what I could  
7 argue is his manipulation of the witness.

8 I will just ask questions, where did you get  
9 this; why did you sign this.

10 MR. CARDINALE: Your Honor, to put it another  
11 way, the witness testified at his deposition that he did  
12 not authorize Mr. Zabell to accept the subpoena on his  
13 behalf. He never corrected his deposition. He didn't  
14 make any changes on his errata sheet, and he met with  
15 Mr. Zabell the third time and signed this affidavit saying  
16 he did authorize Mr. Zabell to accept the subpoena on his  
17 behalf. So it's an inconsistent statement.

18 MR. ANTOLLINO: The point is that he's changed  
19 his testimony.

20 MR. ZABELL: The document itself is prejudicial.  
21 The fact that he signed an affidavit and submitted it to  
22 our office doesn't mean he met with us, only that someone  
23 from my office --

24 THE COURT: The issue whether or not who  
25 authorized it and who accepted service is not applicable

**Kengle - Redirect/Cardinale**

555

1 to the testimony here today.

2 MR. ANTOLLINO: The point is he did, not whether  
3 he accepted the subpoena or not.

4 THE COURT: But the point you are trying to make  
5 is a general assumption, that he prepared an errata sheet  
6 through Mr. Zabell's office.

7 MR. ANTOLLINO: I gave him an errata sheet to  
8 sign and he signed it without any changes, but then after  
9 that Mr. Zabell sent us this.

10 THE COURT: I'm sustaining the objection under  
11 403.

12 MR. ANTOLLINO: Thank you, your Honor.

13 (End of sidebar conference.)

14 (Continued.)

15

16

17

18

19

20

21

22

23

24

25

**Kengle - Redirect/Cardinale**

556

1 (In open court.)

2 Q Mr. Kengle, prior to testifying in court today, in  
3 the last month how many times have you spoken on the  
4 telephone with Mr. Zabell?

5 A On the phone, a couple times.

6 Q Couple being two?

7 A A couple meaning we're talking about scheduling what  
8 time I had to be in court. So I don't know how many times  
9 one of us had to call one back.

10 I have had one regular conversation about the  
11 fact that I had to come here.

12 Q And you also discussed what your complaints to  
13 Mr. Maynard were?

14 A No, he even asked me if I wanted to read my  
15 deposition and I told him I didn't have to because I know  
16 what happened. I know what to say.

17 MR. CARDINALE: No further questions.

18 THE COURT: Mr. Zabell?

19 MR. ZABELL: I have nothing further.

20 THE COURT: You may step down, Mr. Kengle.

21 Thank you.

22 (Witness excused).

23 MR. ANTOLLINO: Your Honor, it's 12:30. I don't  
24 know if you wanted to take a break for lunch or take a  
25 short break.

**Kengle - Redirect/Cardinale**

557

1 THE COURT: Why don't we break for lunch early  
2 then rather than take a break. So we'll reconvene at  
3 1:30. Is that okay for everybody?

4 Have a good lunch. Don't discuss the case.  
5 (Whereupon, at this time the jury exits the  
6 courtroom.)

7 THE COURT: If everybody can be seated. Just  
8 two rulings before the break.

9 There were two objections during the cross of  
10 Mr. Kengle about how he felt about the experience and then  
11 there was another objection to hearsay on the ground of  
12 what his girlfriend told him about the experience. I  
13 overruled both of those objections for the following  
14 reasons: First, he obviously was the conduit from the  
15 girlfriend to Mr. Maynard and therefore that is one of the  
16 critical issues in the case what complaint did Mr. Maynard  
17 receive. In order for the jury to understand how  
18 Mr. Maynard received the complaint, they have to know how  
19 Mr. Kengle received that information. So it's not for the  
20 truth of the matter asserted as to whether or not she was  
21 or was not touched inappropriately or inappropriate  
22 comments were made to her but simply to convey what the  
23 information was according to his testimony provided to  
24 Mr. Maynard.

25 On the issue how he felt about the jump, I

**Kengle - Redirect/Cardinale**

558

1 believe the direct examination opened the door. There was  
2 a lot of questioning regarding how long he took to  
3 complain. He waited three days to complain and therefore  
4 with respect to this questioning regarding the complaint  
5 and the delay behind the complaint, I believe as to any  
6 questioning about his state of mind was or has been  
7 implicated about the direct examination, so I don't want  
8 him to testify about his background, what caused him to  
9 complain on that Monday morning. Okay.

10 On the last thing at sidebar, the affidavit of  
11 Mr. Kengle where he clarifies something, I guess he said  
12 in his deposition regarding whether or not Mr. Zabell was  
13 authorized to accept a subpoena on his behalf, is  
14 completely collateral to the testimony that he gave.  
15 Obviously that particular question and answer has no  
16 probative value in the case whatsoever. The fact that he  
17 did not notice that question and answer, according to him,  
18 and that it was in error and I guess that he did not  
19 correct it on the errata sheet that was provided to him, I  
20 don't believe it is sufficiently probative on his  
21 credibility and/or his relationship with Mr. Zabell to  
22 allow this affidavit to come in, and then to obviously  
23 have to allow him to explain the circumstances surrounding  
24 that issue, it is just completely collateral to the  
25 questions and answers he gave with respect to the

**Kengle - Redirect/Cardinale**

559

1 incidents that are the subject of the litigation.

2 So, under 403 I believe any probative value is  
3 substantially outweighed by a danger of unfair prejudice  
4 and confusion of issues that are fully collateral to the  
5 case.

6 All right. So we'll take the break and we'll  
7 reconvene with Mr. Maynard.

8 MR. ZABELL: Thank you, your Honor.

9 MR. CARDINALE: Thank you, your Honor.

10 (Whereupon, an afternoon recess was taken.)  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Maynard - Direct/Mr. Antollino**

560

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**AFTERNOON SESSION**

(The jury entered the courtroom.)

THE COURT: Now we're going to continue with Mr. Maynard's direct examination.

I remind you, you're still under oath, Mr. Maynard.

THE WITNESS: Yes.

MR. ANTOLLINO: All right, thank you, judge.

I believe this is Exhibit 10, page 24.

THE COURT: Yes, that is admitted, page 24.

(Plaintiff Exhibit 10, page 24 in evidence.)

**RAYMOND MAYNARD**

called as a witness, having been previously duly sworn, was examined and testified furtherer as follows:

DIRECT EXAMINATION (Continued)

BY MR. ANTOLLINO:

Q All right Mr. Maynard, could you read the body of the e-mail at page 24?

A I just want to drop a note to compliment your tandem jump master, jump instructor Don from Kansas. He was very professional in every way and made the entire experience even better. Employees like Don are the reason for your continued success. Looking forward to my next jump. Jim



Maynard - Direct/Mr. Antollino

561

1 McVie.

2 Q Mr. Maynard, I want to take you back to the Drop  
3 Zone, all right?

4 After the passengers get into the airplane, do  
5 they strap up before or after getting into the airplane?  
6 I can't remember before what you said.

7 A They are harnessed up before the airplane.

8 Q So they're in the airplane harnessed up. And can you  
9 picture in your mind a full airplane of people harnessed  
10 up with instructors?

11 A Yes, I can.

12 Q All right, we agree that it's a fairly small area?

13 A It's confined. I don't consider it a small area.  
14 It's confined.

15 Q Why don't you take a look at your deposition on page  
16 15.

17 Question on line 12.

18 Question: Are passengers in a tandem skydive  
19 situation placed in a confined area?

20 Answer: The cab of the aircraft is a fairly  
21 small answer.

22 Were you asked that question and did you give  
23 that answer?

24 MR. ZABELL: Your Honor, he may have -- it's  
25 just not on line, page 15 line 12.

**Maynard - Direct/Mr. Antollino**

562

1 MR. ANTOLLINO: It's on page 15, line 22.

2 THE COURT: You said, answer.

3 Could you read the answer again.

4 BY MR. ANTOLLINO:

5 Q The cab of the aircraft is a fairly small area.

6 A All right. It's a fairly small area.

7 Q You were asked that question and you gave that  
8 answer, correct?

9 A Correct.

10 Q The passengers in the airplane are very closely  
11 strapped to the customers, correct?

12 MR. ZABELL: Objection.

13 The passengers are closely strapped --

14 MR. ANTOLLINO: I'm sorry.

15 BY MR. ANTOLLINO:

16 Q The passengers are closely strapped to their  
17 instructor, correct?

18 A Correct.

19 Q Someone who is uncomfortable being touched should not  
20 be skydiving, correct?

21 A Correct.

22 Q I want you to imagine a person -- well withdrawn.

23 A person -- now if a person complained about  
24 being touched, you believe that the best thing to do would  
25 be to investigate further, correct?

Maynard - Direct/Mr. Antollino

563

1 A If they were touched in an inappropriate manner, yes.

2 Q If there was a complaint about being touched, you  
3 believe that the best course of action would be to  
4 investigate, correct?

5 MR. ZABELL: Objection, asked and answered.

6 THE COURT: Sustained.

7 Q Because touching is part of the sport, correct?

8 A Touching is only done when you are putting on the  
9 harness to make everything safe.

10 Q And close physical contact is part of the sport, is  
11 it not?

12 A It is absolutely necessary to be close when you're  
13 strapped to another person, yes.

14 Q Now a person who didn't read the release might not  
15 know this.

16 Isn't that correct?

17 A The people that are dressing him and the instructors  
18 are letting him know that they're going to be in close  
19 proximity.

20 Q Well, you don't want them to rely simply on what  
21 people tell them. You want them to watch the video and  
22 read the waiver and listen to what your instructors say,  
23 correct?

24 A Absolutely.

25 Q I'm going to show you Exhibit 15 and ask you if you--

Maynard - Direct/Mr. Antollino

564

1 THE COURT: Hold on.

2 Is there an objection to 15?

3 MR. ZABELL: It was in the package, I believe.

4 MR. ANTOLLINO: That is the one. There are  
5 several pages I'm just using one. I don't know -- do you  
6 want to look at it?

7 MR. ZABELL: I have no objection, judge.

8 THE COURT: All right, let's be clear for the  
9 record, it's a one page exhibit?

10 MR. ANTOLLINO: Yes.

11 BY MR. ANTOLLINO:

12 Q Do you recognize that?

13 A Yes, I do.

14 Q Does that fairly and accurately represent how close  
15 the passenger is to the instructor?

16 A Yes, I do.

17 Q Yes, it is?

18 A Yes.

19 Q Now you want your passengers to know as much about  
20 the process as possible before they go up on the skydive.

21 Would you agree with that?

22 A We want them to know what they need to know to help  
23 them to know what we're going to do, yes.

24 Q And as far as you know Rosana did not complain to Don  
25 about being uncomfortable.

Maynard - Direct/Mr. Antollino

565

1 Is that correct?

2 A She did not express anything to Don, no.

3 Q You saw the video with Skydive, correct?

4 A I saw a video?

5 Q Yes.

6 A Yes, I did.

7 Q There was no evidence in that video that a reasonable  
8 person could ascertain that she was uncomfortable.

9 Would you agree with that statement?

10 A No.

11 Q Well what was it that you can recall that you believe  
12 showed that she was uncomfortable?

13 A The way Don was acting behind her when he was  
14 videotaping. The way he was looking at her. Putting his  
15 finger in his mouth, rubbing it around and looking at her  
16 like this, like this is something that, you know. So it  
17 was very -- it wasn't normal what he was doing.

18 Q You heard her say that she could not see behind her,  
19 correct? Did you hear her say that she could not see  
20 behind her, correct?

21 A She said that.

22 Q And that activity took place behind her, correct?

23 A It was behind her.

24 Q Now I'm asking you, sir. Was there any activity or  
25 demonstration on the part of Rosana that showed that she

Maynard - Direct/Mr. Antollino

566

1 was uncomfortable, not what Don did, but that she was  
2 uncomfortable?

3 A The video is only a couple of seconds long. They  
4 were in the airplane 10 to 20 minutes. And I believe what  
5 they were talking about was not -- I know it wasn't on  
6 video. She was in the airplane. She testified that his  
7 head was on her shoulder and he was whispering in her ear,  
8 and he never left -- he had his hands on her legs or hips  
9 the whole time. All of that was totally inappropriate.

10 Q And you heard that from David Kengle, correct?

11 A Yes, I did.

12 Q All right, the question is simple. We know that  
13 there is more that was up there. But there is nothing on  
14 the video that shows that she is uncomfortable, correct?

15 A There is nothing on the video, but there is also a  
16 history of what had happened in the past.

17 Q A history of what had happened, well we'll get to  
18 that. But I just want to focus on the video for now,  
19 okay?

20 At the very end of the video she said that it  
21 was awesome, correct?

22 A Yes, she did.

23 Q And she put her face very closely to Don's. Did she  
24 not?

25 A She was being instructed by the videographer to take

Maynard - Direct/Mr. Antollino

567

1 a picture. So it would be like, let's have a video.

2 That's what they do.

3 Q All right were you able to read her mind as to why  
4 she did that?

5 MR. ZABELL: Objection.

6 Q You saw her voluntarily pose with Don, correct?

7 MR. ZABELL: Objection.

8 THE COURT: Sustained to the form.

9 Q Did anyone force her to pose with Don?

10 A Nobody forced her to do anything.

11 Q And she moved towards Don, Don didn't move towards  
12 her, correct?

13 MR. ZABELL: Objection.

14 THE COURT: Yes. The video speaks for itself.  
15 We don't need to go through every aspect of the video.

16 MR. ANTOLLINO: All right.

17 BY MR. ANTOLLINO:

18 Q At the end of the video both of the passengers  
19 expressed happiness, Ms. Orelana said it was awesome and  
20 Mr. Kengle said it was fucking awesome, correct?

21 A Correct.

22 Q Now there were also pictures taken on this jump by  
23 the video master. Isn't that correct?

24 A That's correct.

25 Q And you looked at many of them at your deposition,

Maynard - Direct/Mr. Antollino

568

1 correct?

2 A Yes, I did.

3 Q And you didn't notice any evidence that anyone was  
4 uncomfortable on any of those pictures, did you?

5 A I believe when they landed I expressed that she did  
6 not look really happy.

7 Q Do you believe that her happiness was a lie? Let's  
8 see some other pictures?

9 MR. ZABELL: Objection.

10 THE COURT: Sustained. The jury will disregard  
11 that statement.

12 BY MR. ANTOLLINO:

13 Q All right, what was it about her happiness in the  
14 pictures that you thought was a lie?

15 A I already told you. The expression on her face to me  
16 was not somebody that had just come down and had a great  
17 time skydiving. She did not look happy.

18 Q Some people are not happy by the skydiving  
19 experience, correct?

20 A Say that one more time.

21 Q Some people are not happy about the skydiving  
22 experience, correct?

23 A Very few.

24 Q Some actually express happiness in different ways,  
25 don't they?



Maynard - Direct/Mr. Antollino

569

1 A Most people do.

2 Q Okay, I want to show you a few pictures.

3 MR. ANTOLLINO: Are there any objection to the  
4 pictures from the deposition? And you can look at them  
5 right here. They are, they were e-mailed to you and they  
6 are part, they are exhibits from Ray's deposition/?

7 MR. ZABELL: What exhibit number?

8 MR. ANTOLLINO: Ray's deposition 222, 223, 210  
9 and 211.

10 MR. ZABELL: May I, your Honor?

11 THE COURT: You might as well look at them on  
12 the screen.

13 MR. ANTOLLINO: I have them on the screen right  
14 there. This is Ray's deposition 2.

15 Do you have an objection to that? Ray's  
16 deposition, that is 2. Do you have an objection to that?

17 MR. ZABELL: No.

18 MR. ANTOLLINO: 2-3. Do you have any objection  
19 to that.

20 MR. ZABELL: Keep on going. I'll let you know  
21 if I have an objection.

22 MR. ANTOLLINO: So there is four pictures I'm  
23 going to show the witness. And there is no objection to  
24 any of them. All right?

25 Exhibit, Ray's deposition 2, Ray's deposition

Maynard - Direct/Mr. Antollino

570

1 2.2, 2.3 and 2.10. We're going to show them on the  
2 screen.

3 THE COURT: Those four, any objection?

4 MR. ZABELL: I do. But I do think that we need  
5 hard copies of the pictures at some point.

6 MR. ANTOLLINO: I don't have hard copies of the  
7 pictures. I only have these pictures.

8 THE COURT: Okay. They're admitted. And at  
9 some point you need to provide hard copies for the record.

10 MR. ANTOLLINO: All right, I will get hard  
11 copies before the trial is over. But for right now, you  
12 can see Ray's deposition 2.

13 THE COURT: Those four exhibits are admitted.

14 Okay, go ahead.

15 (Plaintiff Exhibits Ray's 222, 223, 210 and 211  
16 in evidence.)

17 BY MR. ANTOLLINO:

18 Q You don't recognize any up happiness in Rosana's face  
19 here, do you?

20 A No.

21 Q And behind her it is Don, correct?

22 A Should be.

23 Q Do you see a smile on her face, do you not?

24 A Yes.

25 Q Okay, she is about to get out of the plane.

Maynard - Direct/Mr. Antollino

571

1 Is that correct?

2 A They're moving towards the door.

3 Q Okay, now this is Ray's deposition 2.2.

4 Do you recognize Don and Rosana there, correct?

5 A Yes, I do.

6 Q And it looks like Rosana is having a fantastic time.

7 Does it not?

8 A She is smiling. I'm sure the adrenaline is flowing.

9 Q Well, she has just jumped out of a plane. How fast  
10 does adrenaline take, in the second you get out of the  
11 plane?

12 A It kicks in a few minutes before that, as you are  
13 approaching the door.

14 Q So are you saying that that smile was involuntary?

15 A I'm not saying that at all.

16 MR. ZABELL: Objection, your Honor.

17 THE COURT: Sustained.

18 Q What was it about the adrenaline that caused her to  
19 smile?

20 MR. ANTOLLINO: He brought it up, judge.

21 MR. ZABELL: Objection.

22 THE COURT: Sustained.

23 Q But you would agree, adrenaline or not she looks  
24 happy here, correct?

25 A Yes, she looks happy.

**Maynard - Direct/Mr. Antollino**

572

1 Q Okay, and I'm going to show you Ray's 2.3. This  
2 shows that she is happy. You can see the smile on her  
3 face, correct?

4 A Yes.

5 Q Okay, and I'm going to show you Ray's deposition  
6 2.10.

7 Here is David Kengle. He appears to be happy.  
8 Is that correct?

9 A He looks a little scared but I'm sure he is happy  
10 too.

11 Q He is not being instructed by Don Zarda.  
12 Is that right?

13 A No, that is not Don Zarda.

14 Q That's Duncan Shaw behind him. Is that correct?

15 A That is Duncan, yes.

16 Q Now I want you to assume that the person is given an  
17 opportunity to be informed about skydiving and its  
18 inherently unpredictable nature.

19 MR. ZABELL: I'm going to object to being  
20 instructed about.

21 THE COURT: Well, let me hear the question.  
22 Go ahead. What is the question?

23 BY MR. ANTOLLINO:

24 Q If a person chooses to go on a tandem skydive and  
25 later complains that she was closely attached to the

Maynard - Direct/Mr. Antollino

573

1 instructor, it would not be a reasonable complaint, would  
2 it?

3 MR. ZABELL: Objection.

4 THE COURT: Yes, sustained to the form.

5 BY MR. ANTOLLINO:

6 Q Would it be a reasonable complaint for someone who  
7 has been explained the entire process of skydiving to say  
8 that I was attached to someone during that entire jump?

9 MR. ZABELL: Objection.

10 THE COURT: No, go ahead.

11 We're not talking about reasonableness under the  
12 law. I think the jury understands that he is --

13 MR. ANTOLLINO: Yes.

14 MR. ZABELL: I'm just going to object based on  
15 relevance. We have this all in his testimony as to what  
16 she complained about. That wasn't what she complained  
17 about.

18 THE COURT: I'm going to allow it in. Okay.

19 MR. ANTOLLINO: If the court reporter could read  
20 it back.

21 (The testimony was read back.)

22 A That wouldn't be a can complaint.

23 Q That would be an illegitimate complaint, correct?

24 A Yes.

25 Q Now if a person choses to skydive and then is

Maynard - Direct/Mr. Antollino

574

1 complaining that the person was adjusting straps around  
2 her body and she felt uncomfortable, that would not be a  
3 legitimate complaint either, would it?

4 A If it was not -- one more time, please?

5 Q Could you read it back?

6 MR. ZABELL: Please.

7 (The last question was read back.)

8 A No. That would mean explaining that, this is what's  
9 going to go on.

10 Q Everyone is explained in the video, and in the  
11 release, correct?

12 A Yes.

13 Q You don't want to rely on the instructor's  
14 instruction ad hoc before you get on the airplane, do you?

15 A No. That is why we have the video and the waiver.

16 Q It's very important for the person to watch the  
17 entire video, correct?

18 MR. ZABELL: Objection.

19 THE COURT: Yes.

20 Q I don't know if I asked this question.

21 You would not want one person to explain the  
22 waiver to another, would you?

23 MR. ZABELL: Objection.

24 THE COURT: We did that already.

25 MR. ANTOLLINO: We did?

**Maynard - Direct/Mr. Antollino**

575

1 THE COURT: Yes, the waiver many times.

2 MR. ANTOLLINO: I understand that, but that

3 well --

4 BY MR. ANTOLLINO:

5 Q I don't know if I asked this.

6 You don't want the waiver read at the same time

7 the video is playing, correct?

8 MR. ZABELL: Objection.

9 THE COURT: You asked that question.

10 Q Now there are four points of attachment in the tandem

11 suit built for two, correct?

12 A Are you referring to the harness?

13 Q The harness, four points of attachment?

14 A That's correct.

15 Q And in those four points of attachment, there are 12

16 points of a adjustment, correct?

17 A That's correct.

18 Q So you're going to attach the student to the

19 instructor and there are 12 little straps they have to

20 adjust to make sure that the students is safe, correct?

21 MR. ZABELL: Objection, asked and answered and

22 relevance.

23 THE COURT: I'll allow him to go through the

24 basics of what the strapping entailed, okay?

25 Go ahead. You can answer.

Maynard - Direct/Mr. Antollino

576

1 A No, you're wrong.

2 Q All right, could you explain what those 12 points of  
3 adjustment are for?

4 A Can I tell you how it really goes?

5 Q Well, I'm basing this on your deposition.

6 A Okay, there are 12 points of adjustment on a harness.  
7 Most of our harnesses are pre-adjusted to people in  
8 general. So when the harnesses are put on the students by  
9 the person that is dressing them, which is not the  
10 instructor, that is where most of all harness adjustments  
11 are made.

12 The instructor does not do very much adjusting  
13 of the harness at all, maybe one or two places. And that  
14 is because everything is done on the ground, because we  
15 never expect this to be done in the airplane by the  
16 instructor.

17 So we have people on the ground that dress them,  
18 as we say in the harness. And that is who does all of the  
19 adjustments on the passengers, on the passenger's harness,  
20 not the instructor.

21 Q So you say special dressers, quote-unquote, that come  
22 out and put on the harnesses?

23 A That's correct.

24 Q And the dressers attach the instructor to the  
25 students?



**Maynard - Direct/Mr. Antollino**

577

1 A No. The dressers put the harness on the student.  
2 They make all of those adjustments, probably 10 or 15  
3 minutes before they get on the airplane. They make sure  
4 that all of those adjustments are correct.

5 When they're introduced to their instructor, the  
6 instructor may make one or two small adjustments for the  
7 way they want that harness to sit on them when they put  
8 the four points of attachment to the tandem master.

9 Q So the instructor has to make adjustments so that the  
10 tandem harness fits him, correct?

11 A That is not what I said. The tandem master makes  
12 adjustments, very few things on that passenger harness, so  
13 that his height where his attachment is. So they may move  
14 up the harness a little bit because of the different sizes  
15 and how it;s going to be attached to the tandem master.

16 Q But they need to be adjusted?

17 A Very, very little.

18 THE COURT: Let him finish the question.

19 BY MR. ANTOLLINO:

20 Q They need to be adjusted by the instructor, correct?

21 A Yes.

22 Q Okay, they need to be a adjusted for the safety and  
23 the comfort of the passenger, correct?

24 A You're correct.

25 Q All right, so when the dresser comes out and puts it

**Maynard - Direct/Mr. Antollino**

578

1 on the students, the instructor has to go through a second  
2 adjustment to make sure that he is comfortable and the  
3 student is comfortable, correct?

4 A Not necessarily. If the dresser has adjusted the  
5 harness to the way that particular instructor normally  
6 does it, then there are no adjustments that have to be  
7 made.

8 Q And if the dresser does not make the adjustment as  
9 the instructor wants it, the instructor has to make  
10 adjustments himself, correct?

11 A That's correct.

12 Q And you would agree that safety is more important  
13 than comfort, correct?

14 MR. ZABELL: Objection.

15 THE COURT: I'll allow it. You can answer.

16 A Yes.

17 Q Two of the attachments of the four we talked about  
18 are at the hip, correct?

19 A That's correct.

20 Q So adjustments at the hips may be necessary depending  
21 on the situation, correct?

22 A I disagree with what you're trying to get me to say.

23 They are, if you're in the airplane and you  
24 already have your harness on, and it has already been  
25 adjusted, the attaching points at the hip, that's not an

**Maynard - Direct/Mr. Antollino**

579

1 adjustment that is made on the passenger harness. It's  
2 made from the tandem master.

3 Q It's made from the tandem master?

4 A That's correct.

5 Q That's correct at the hips, correct?

6 A Correct.

7 Q Right.

8 Now, very often joking may be heard as men are  
9 being strapped to one. We've heard many examples of that,  
10 correct?

11 MR. ZABELL: Objection.

12 THE COURT: Sustain to the form.

13 BY MR. ANTOLLINO:

14 Q There are often jokes made at the Drop Zone about men  
15 being strapped to women, or men being strapped to men,  
16 correct?

17 A That's correct.

18 Q And this is in order to keep them calm and let them  
19 know that they're going to make a skydive, correct?

20 A Correct.

21 Q And the joking occurs in the rig -- by the way, what  
22 is the rig?

23 A That's the harness we were just talking about.

24 Q You want to make a joke to loosen the tension,  
25 correct?

**Maynard - Direct/Mr. Antollino**

580

1 A Yes. But it's not something that is said, every  
2 jump, every time, every where. Sometimes that is said.

3 Q Sometimes that's said.

4 You have never fired someone for making a  
5 statement or a joke like that, correct?

6 A No one has ever complained about the jokes.

7 Q Okay, and you're kidding?

8 A No, I'm not.

9 Q So the answer is no.

10 And you have never fired an instructor where a  
11 passenger had an injury, correct?

12 A No.

13 Q Now touching and manipulating the straps is done in  
14 the manner that the skydiver knows best, correct?

15 A There is a line that you can not cross regardless of  
16 what you sign into that waiver. And the instructors know  
17 the line, where it's inappropriate and it's appropriate.  
18 Just because they sign the waiver, my instructors are not  
19 going to do inappropriate touching.

20 Q Of course not. But in this case you didn't speak to  
21 Rosana to find out where she was touched, did you?

22 MR. ZABELL: Objection asked and answered.

23 THE COURT: Sustained.

24 BY MR. ANTOLLINO:

25 Q Could you answer the question? A skydiver has to use

**Maynard - Direct/Mr. Antollino**

581

1 his best judgment to know how to adjust the straps?

2 MR. ZABELL: Objection. Asked and answered.

3 THE COURT: He answered that question. Next  
4 question.

5 BY MR. ANTOLLINO:

6 Q Now you had a Skydive Long Island Facebook page,  
7 correct?

8 A Yes, we do.

9 Q It was set up for your business, correct?

10 A That's correct.

11 Q All you have to do is like it in order to join,  
12 correct?

13 A There are actually two, there are actually two pages  
14 for Skydive Long Island on Facebook. In order to get a  
15 business page you must have a page first for that. And  
16 when you go to the one that you go to normally, or when --  
17 the page that our jumpers, experienced jumpers and staff  
18 go to all the time is Skydive LI.

19 And for you to get on that you, you have to like  
20 that page, and then you can go there. And then from that  
21 page you can go to the business page.

22 The business page is out there for new customers  
23 that are coming in, the tandem people. And it's not  
24 usually the general public that will go to the business  
25 page. That's where the general public goes, is to the

**Maynard - Direct/Mr. Antollino**

582

1 business page, not to SDLI, which is almost like a  
2 personal page where people post what they have been doing  
3 and the jumps they have been liking. And people get to  
4 comment if they like it and what else is going on in their  
5 life.

6 Q So you never agreed to allow me for example to become  
7 part of this personal Skydive Long Island page, did you?

8 MR. ZABELL: Objection.

9 THE COURT: Yes. Sustained as to form.

10 BY MR. ANTOLLINO:

11 Q Now I'm going to show you --

12 THE COURT: This is th e one we discussed this  
13 morning?

14 MR. ANTOLLINO: The one we discussed before.

15 THE COURT: What number is it?

16 MR. ANTOLLINO: This is, we'll just say this is  
17 7 B. This is part of 7 that you narrowed down to two  
18 documents. And we'll call this collectively 7 B.

19 THE COURT: In evidence?

20 MR. ANTOLLINO: Yes.

21 THE COURT: 7 B is admitted.

22 (Plaintiff Exhibit 7 B in evidence.)

23 BY MR. ANTOLLINO:

24 Q Now on the business page you presented a picture of  
25 yourself and your then girlfriend. Isn't that correct?

Maynard - Direct/Mr. Antollino

583

1 A That's correct.

2 Q And in your business page you made a comment about  
3 your girlfriend and your ex-wife.

4 Isn't that correct?

5 A That is not the business page.

6 Q But it is the -- it is you --

7 A That is not the business page.

8 Q Wait a minute. This is the business page, right?

9 A I don't believe so. I don't do the posting on this.

10 Q Well what about this then?

11 Thanks everyone.

12 Do you see that portion, can you read it?

13 A Yes. And that is not the business page.

14 Q But this is connected to this. You said you didn't  
15 know if this was the business page and you described the  
16 Skydive Long Island as being the business page, and there  
17 are all sorts of comments that follow it, correct?

18 MR. ZABELL: I object to the form. And I object  
19 to the representation that this is linked to this.

20 There has been no testimony to that.

21 THE COURT: Sustained.

22 Disregard that.

23 He's trying to describe that and an attorney  
24 can't testify.

25 You have to just ask questions.

Maynard - Direct/Mr. Antollino

584

1 BY MR. ANTOLLINO:

2 Q This was public information that people in any office  
3 were able to get off Skydive Long Island.

4 So would it be fair to say that this is  
5 information pertaining to your business that anyone in the  
6 world can access from their computers?

7 MR. ZABELL: Objection to the form.

8 THE COURT: Yes, sustained.

9 The jury will disregard.

10 Just Mr. Antollino, I'm asking you again just to  
11 ask some questions without -- any witness's testimony.

12 BY MR. ANTOLLINO:

13 Q This is what anyone in the world is able to get from  
14 your Internet by going to this particular page and liking  
15 it.

16 Isn't that true?

17 MR. ZABELL: Objection.

18 THE COURT: No. It's okay if he knows the  
19 answer to the question.

20 Can anyone access this?

21 A At that time people working in the office were  
22 letting anybody like that page and go there.

23 Q Okay, and you believe that the first picture of you  
24 and your girlfriend, that personal information, it shows  
25 you and your girlfriend having fun, correct?



Maynard - Direct/Mr. Antollino

585

1 A On my birthday, yes.

2 Q And personal information, correct?

3 A Can you define personal information?

4 Q What do you believe personal information to be?

5 A Personal information could be maybe many things.

6 Q Okay, it would include your birthday and your  
7 birthday with your girlfriend, correct?

8 A Yes.

9 Q So that's personal information, correct?

10 A Yes.

11 Q All right. And then this next page, where you make a  
12 long comment that says -- can you read where I'm pointing?  
13 Thanks everyone. Can you read that aloud?

14 A Thanks everyone. Unfortunately my pathetic ex will  
15 not leave us alone and continues to try to disrupt our  
16 lives. Like dancing as close as she can get to me at  
17 Dockers last Tuesday night. Well that did not work.  
18 Barbara and I could not be happier. As a matter of fact  
19 this Wednesday, 6/29 -- and this was a typo -- it should  
20 have been 6/29/2011 will be the first of many  
21 anniversaries we will share. That's the first night we  
22 met and I we've never been happier.

23 Q Congratulations.

24 That's personal information? Is it not?

25 A Yes.

**Maynard - Direct/Mr. Antollino**

586

1 Q Okay. Now you were, you received some complaints on  
2 the Internet, correct?

3 MR. ZABELL: Objection.

4 THE COURT: What is the objection?

5 MR. ZABELL: Relevance.

6 THE COURT: No, I'll allow it.

7 BY MR. ANTOLLINO:

8 Q One person complained that the weight --

9 MR. ZABELL: Objection.

10 THE COURT: Why don't you approach.

11 (Continued on the following page.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Maynard - Direct/Mr. Antollino**

587

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: I'm just going to get into a  
3 couple of complaints and whether they're legitimate and  
4 what his reaction to them would be. That's all.

5 THE COURT: What is your objection?

6 MR. ZABELL: My objection at that point was, he  
7 is reading in the complaint without introducing it into  
8 evidence. If he was introducing it into evidence, I would  
9 object to the relevance. But you have already ruled on  
10 that.

11 THE COURT: So do you want to introduce the  
12 complaints in your question?

13 MR. ANTOLLINO: Well, we would you rather,  
14 judge?

15 MR. ZABELL: My preference is to neither if I'm  
16 going to be asked.

17 THE COURT: Well he is questioning your client  
18 about complaints, and what he did and did not do.

19 MR. ZABELL: I think it would be to ask him if  
20 he recalls and if he doesn't recall show him the document  
21 to refresh your recollection. But just identify it for  
22 us.

23 (Continued on the following page.)  
24  
25

**Maynard - Direct/Mr. Antollino**

588

1 (The following occurred in open court.)

2 MR. ANTOLLINO: All right, can you read the last  
3 question back?

4 (The testimony was read back.)

5 BY MR. ANTOLLINO:

6 Q One person complained that the wait was interminable,  
7 correct?

8 A We tell people when they make the reservation that  
9 they should expect --

10 THE COURT: First, do you recall a complaint  
11 that he is claiming?

12 Q Would you like to see your deposition to refresh your  
13 recollection?

14 A Sure.

15 Q Turn to page 62 line 21.

16 A What line now?

17 Q 21?

18 A Yes.

19 Q All right, so do you recall that there was a  
20 complaint on the Internet that the weight was  
21 interminable. But you believe that was an unfair  
22 complaint because there is any number of factors that  
23 could affect the wait for someone who goes to skydive on  
24 Long Island, correct?

25 A That's correct.

Maynard - Direct/Mr. Antollino

589

1 Q And there was also another complaint where someone  
2 said that the ladies in the office were rude, correct?

3 A I heard about that.

4 Q And that is only one side of the story, correct?

5 A That's the one side of the story.

6 Q And you would have to investigate to make sure that  
7 it's true, correct?

8 A Correct.

9 Q You can only find the truth by investigating,  
10 correct?

11 A Correct.

12 Q Now you testified before you believe that Don made a  
13 creepy face in the video, correct?

14 A Correct.

15 Q But you did not fire Don for making that creepy face,  
16 did you?

17 A Nope.

18 Q Now in 2001 apparently there were some ladies that  
19 were crying about Don.

20 Do you recall that?

21 MR. ZABELL: Objection.

22 THE COURT: What is your objection?

23 MR. ZABELL: It assumes facts not in evidence.

24 THE COURT: I guess he's asking him whether or  
25 not he heard that.

Maynard - Direct/Mr. Antollino

590

1 MR. ANTOLLINO: That is correct.

2 THE COURT: Overruled. You can answer that.

3 BY MR. ANTOLLINO:

4 Q Is that right?

5 A Yes.

6 Q And that's why you fired him, correct?

7 A There were a little bit more than two complaints.

8 There were a few weeks a part.

9 Q He said he was gay to these women, correct?

10 A Under canopy when there is no one else around, these  
11 women told me that he was telling them that he recently  
12 came out and was talking about homosexual sex.

13 And the first time it happened I had a  
14 conversation with Don. Don told me he was gay when I  
15 hired him. I have no problem with what other people do.  
16 And I said, but keep it to yourself and nobody -- you  
17 should doing your job talking about what skydiving is  
18 about and nothing else.

19 And it happened. So I talked to him the first  
20 time. A few weeks later it happened again. The woman  
21 wasn't really crying, crying. She was on the verge of  
22 tears. And I told him he had to go.

23 Q All right. I want you to take a look at your  
24 deposition, page 139, line 22. Do you see that?

25 A Yes.

Maynard - Direct/Mr. Antollino

591

1 Q Question: And what was it that Don said that made  
2 these women cry?

3 Answer: Him talking about being gay.

4 Question: Anything else?

5 Answer: No.

6 Were you asked those questions and did you give  
7 those answers.

8 A Yes, I did.

9 Q And you said nothing about homosexual activity, did  
10 you, at your sworn deposition, correct?

11 A In my answer on line 24 there, that's what he was  
12 talking about when I said he was talking about being gay.

13 Q And you said, and it has nothing to do with sex. It  
14 had simply to do with being gay, correct?

15 A No.

16 MR. ZABELL: Objection.

17 THE COURT: What's that?

18 MR. ZABELL: He is trying to impeach his own  
19 witness. And asked and answered.

20 THE COURT: Overruled.

21 I didn't hear your answer.

22 A I said that in that 24 when he said that he was gay,  
23 I was talking about that those women were saying those  
24 other things. I didn't say them, all of his words in that  
25 deposition.

**Maynard - Direct/Mr. Antollino**

592

1 Q So to you being gay is the same thing as talking  
2 about sex, sex?

3 A This has nothing to do with that. Don was fired  
4 because the customers complained. And my business is  
5 built on customer service. And if people go out and  
6 they're not happy, then word of mouth is not going to  
7 happen.

8 If a customer complains, it wouldn't matter what  
9 they complained about.

10 Q It wouldn't matter what they complained about, so --

11 A If it was a valid complaint.

12 Q So a valid complaint was simply that Don said he was  
13 gay, correct?

14 MR. ZABELL: Objection.

15 MR. ANTOLLINO: I just want to clarify.

16 Q The only complaint was that he was gay, right?

17 MR. ZABELL: Same objection.

18 THE COURT: You already asked that question.

19 Q You did not, even then you did not tell him not to  
20 tell customers that he is gay, correct?

21 A I did not tell him not to tell people that they were  
22 gay. He should be treating people and not making people  
23 upset.

24 Q I want you to take a look at your deposition on page  
25 140, line 3.



**Maynard - Direct/Mr. Antollino**

593

1                   Question: All right, but yet even then you  
2 didn't tell him not to tell customers that he's gay,  
3 correct?

4                   Answer: Say that one more time?

5                   MR. ZABELL: Your Honor. I'm going to object.  
6 He is trying to impeach him with a consistent statement in  
7 his deposition.

8                   MR. ANTOLLINO: Well that is up to the jury to  
9 decide whether it's consistent.

10                  THE COURT: The jury will hear both sides if  
11 permitted. If the lawyers think that the witness says  
12 something inconsistent in a deposition, they're permitted  
13 to read that portion of the deposition.

14                  Whether or not it is inconsistent or not, and if  
15 it is inconsistent how much weight to give to the  
16 inconsistency is up to the jury to decide. That is up to  
17 the jury to decide. Okay?

18                  So go ahead. You can finish reading what you're  
19 reading.

20 BY MR. ANTOLLINO:

21 Q All right, but yet even then you didn't tell him not  
22 to tell customers he's gay, correct?

23                  Answer: I didn't tell him not to tell them.

24                  Were you asked that question and did you give  
25 that answer.

**Maynard - Direct/Mr. Antollino**

594

1 A Right.

2 Q Okay, and you don't have any documentation whatsoever  
3 about these complaints, correct?

4 A They complained directly to me, and I'm sworn under  
5 oath, and I told the truth.

6 No, I don't have, I do not have documentation.

7 Q Okay, thank you.

8 If you can just stick to the questions we'll get  
9 through this more quickly.

10 MR. ZABELL: Objection.

11 THE COURT: Sustained.

12 The jury will disregard the statement.

13 I don't want any comments to the witness.

14 MR. ANTOLLINO: I apologize, judge, I'm trying  
15 to move it along.

16 BY MR. ANTOLLINO:

17 Q All right, I'll ask the next question.

18 You have no records of any of these passengers  
19 that complained about Don in 2001. Is that correct?

20 MR. ZABELL: Objection. Asked and answered.

21 THE COURT: Sustained. He said he has no  
22 documentation.

23 BY MR. ANTOLLINO:

24 Q Now there are various levels of discipline at this  
25 Drop Zone that you can use against your employees,

Maynard - Direct/Mr. Antollino

595

1 correct?

2 A Yes.

3 Q And in Don's case you used the most severe form of  
4 discipline which was ultimately termination, correct?

5 A For very serious complaints from my customers, yes.

6 Q And below that there is also a suspension which you  
7 also did to Don Zarda, correct?

8 A Yes.

9 Q And there is also a reprimand that you can give to an  
10 employee. That is below suspension, correct?

11 A Yes.

12 Q And there is also counseling and retraining that is  
13 some other type of corrective training that would address  
14 a customer complaint, correct?

15 A Are you asking me if I did counseling? No.

16 Q Now I know you didn't do counseling. But you can do  
17 counseling, correct?

18 A I'm not trained in counseling.

19 Q Well, when I say counseling, I mean counseling  
20 someone as to how to deal with your customers in the  
21 workplace, correct?

22 A Correct.

23 Q Now there were employees other than Don that told  
24 your customers about Don's sexual orientation.

25 Is that not true?

Maynard - Direct/Mr. Antollino

596

1 A Don told most people he, that he was gay.

2 Q All right, I understand that. But I am asking you  
3 this.

4 There were employees other than Don who told  
5 customers about Don's sexual orientation. Yes or no?

6 A No.

7 Q Okay. That is not true.

8 Why don't you take a look at --

9 MR. ZABELL: Objection.

10 THE COURT: He asked the question. Go ahead.

11 BY MR. ANTOLLINO:

12 Q Why don't you look at 125. You were looking at an  
13 e-mail. And it says --

14 THE COURT: Hold on.

15 MR. ANTOLLINO: I'm sorry, 125 line 12.

16 BY MR. ANTOLLINO:

17 Q Were you asked these questions and did you give these  
18 answers ?

19 Question: It says in an e-mail that the  
20 instructors who went up in the tandem were telling the gay  
21 guys about the gay skydiver. Do you see that?

22 Answer: Yes.

23 Question: Was that appropriate for them to do?

24 Answer: I can't answer that. I don't know who  
25 started what or what said what. I don't even know. I

**Maynard - Direct/Mr. Antollino**

597

1 don't even know that.

2 Question: Well, what?

3 Answer: If this is true.

4 Question: We're just assuming that it's true,  
5 hypothetically.

6 Question: You're assuming it's true that your  
7 skydivers mentioned Don's sexuality. Was that  
8 inappropriate?

9 Answer: It would depend on what's being said.

10 Question: It's personal information, isn't it?

11 Answer: I guess so.

12 MR. ZABELL: Your Honor I'm going to object to  
13 the entire reading and move that it be struck.

14 THE COURT: Sustained.

15 The jury will disregard that.

16 BY MR. ANTOLLINO:

17 Q Now, if your coworkers or Don's coworkers told others  
18 about being gay, that would be personal information about  
19 Don that they were giving to the customers, correct?

20 MR. ZABELL: Objection, hypothetical.

21 THE COURT: Sustained.

22 BY MR. ANTOLLINO:

23 Q There were employees other than Don -- withdrawn.

24 Now I'm going to --

25 MR. ANTOLLINO: Now you're not going to allow me

Maynard - Direct/Mr. Antollino

598

1 to ask any hypothetical questions?

2 THE COURT: No.

3 BY MR. ANTOLLINO:

4 Q Now there was an incident that you're aware of where  
5 a large-busted woman was caught on videotape.

6 Is that correct?

7 A Over the years there has been more than one, a lot of  
8 people.

9 Q And the instructors, your male instructors rushed  
10 into the video room to see her falling and in free fall,  
11 correct?

12 A I don't believe that my instructors or video guys  
13 were rushing to the room to see what you're talking about.

14 Q Well why don't you take a look at 133?

15 MR. ZABELL: Your Honor, I'm going to object to  
16 this line of questioning on relevance.

17 THE COURT: Sustained.

18 BY MR. ANTOLLINO:

19 Q Now at some point in 2001 you found out that Don was  
20 gay, correct?

21 A He told me right away. Or actually Curt Kellinger  
22 told my he was gay. And when I talked to Don, that was  
23 one of the first things he told me. And I said it don't  
24 bother me. My sister was gay. I have nothing, you know,  
25 it doesn't matter. I was told that you were a good

Maynard - Direct/Mr. Antollino

599

1 instructor and you had much experience, and I had an  
2 opening on Long Island for you.

3 Q And when you found that out, did you not inform him  
4 not to reveal his sexual orientation to passengers.

5 Is that correct?

6 MR. ZABELL: Objection to the form of the  
7 question.

8 THE COURT: Yes. Sustained to the form.

9 BY MR. ANTOLLINO:

10 Q Did you tell Don at that time not to inform any of  
11 your customers of his sexual or orientation, yes or no?

12 A Yes.

13 Q Okay, take a look at page 136 line 2.

14 Question: Did you tell him not to reveal his  
15 sexual orientation to anyone else?

16 Answer: No.

17 Were you asked that question and did you give  
18 that answer.

19 A It's in there. I guess I did.

20 Q And you believed that Don was a good instructor,  
21 correct?

22 A Yes, I do.

23 Q And he was a safe instructor, correct?

24 A Correct.

25 Q You even testified at the deposition you thought he

Maynard - Direct/Mr. Antollino

600

1 was a good guy?

2 A I said I did.

3 Q At one point in 2009 Don had an accident where he was  
4 injured.

5 Is that right?

6 A That's right.

7 Q You saw the tape of that accident, correct, or the  
8 tape that led to that accident, right?

9 A I don't remember if I saw that or not.

10 Q Well take a look at your deposition page 151. I'm  
11 sorry, page 150, line 21.

12 Do you remember if you did anything improper in  
13 that jump that caused his injury?

14 Answer: No.

15 Were you asked that question and did you give  
16 that answer.

17 MR. ZABELL: I'm going to ask that the question  
18 before that be read which most closely matches the  
19 question that was previously asked, beginning at line 17,  
20 asking, Did you see the video of the jump?

21 MR. ANTOLLINO: If he would like to read it,  
22 judge, he is free to.

23 THE COURT: Well, then we'll do it twice. For  
24 more completeness he wants another portion for the  
25 evidence so you can go back.



Maynard - Direct/Mr. Antollino

601

1 MR. ANTOLLINO: So you want me to start at line,  
2 at the top and go through all the way?

3 MR. ZABELL: Line 17.

4 BY MR. ANTOLLINO:

5 Q Did you see the video of the jump in which he  
6 suffered an injury?

7 Answer: I probably did but I don't remember it.

8 Question: Do you remember if he did anything  
9 improper in that jump that caused his injury?

10 Answer: No.

11 Question: Did it in fact just look like a  
12 regular old jump?

13 Page 151, line 13?

14 Yeah, I'm not sure.

15 Were you asked those questions and did you give  
16 those answers?

17 MR. ZABELL: I'm going to object. He is  
18 answering yeah. I'm not sure, in response to the  
19 colloquy.

20 MR. ANTOLLINO: I'll clarify that, judge. I'll  
21 clarify.

22 THE COURT: You can clarify.

23 MR. ANTOLLINO: I would clarify the facts to the  
24 best of his recollection.

25 MR. ZABELL: No, your Honor, page 151 is in.

**Maynard - Direct/Mr. Antollino**

602

1 There is a response in colloquy not a response to the  
2 question.

3 MR. ANTOLLINO: I skipped the colloquy, judge.

4 THE COURT: What page is it?

5 MR. ANTOLLINO: 151.

6 MR. ZABELL: And there is another question  
7 before that line 4 on page 151.

8 THE COURT: Why don't you come up.

9 (Continued on the following page.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Maynard - Direct/Mr. Antollino**

603

1 (The following occurred at sidebar.)

2 THE COURT: Read those two together, okay?

3 MR. ANTOLLINO: Okay.

4 MR. ZABELL: Thank you.

5 (Continued on the following page.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Maynard - Direct/Mr. Antollino

604

1 (The following occurred in open court.)

2 BY MR. ANTOLLINO:

3 Q On line 4.

4 Question: All right, that would not have  
5 resulted in any injury.

6 And then line 10, you can answer.

7 And you answered: Yeah. I'm not sure.

8 Were asked this -- this is on page 151, line 4.

9 Did you follow me?

10 A Yes.

11 Q All right, that would not have resulted in an injury.

12 Question: You may answer.

13 Answer: Yeah, I'm not sure.

14 And then turn to page 152, you say: It looked  
15 like a normal skydive.

16 Question: It did not look like Don did anything  
17 negligent, correct?

18 Answer: No.

19 Were you asked those questions and did you give  
20 those answers.

21 A Yes.

22 Q And you testified to the best of the ability of your  
23 memory at the time?

24 A Yes.

25 Q And that is the best of your recollection at this

Maynard - Direct/Mr. Antollino

605

1 time?

2 A Yes.

3 Q All right now we heard a lot about Workers'  
4 Compensation insurance in this case from your side. You  
5 were aware that after --

6 MR. ZABELL: Objection.

7 THE COURT: Sustained. Just ask the question.

8 Q You were aware that Don applied for Workers'  
9 Compensation insurance, correct?

10 A Yes.

11 Q And you know that it is the right of every employee  
12 to apply for Workers' Compensation if they are injured on  
13 the job, correct?

14 MR. ZABELL: Objection.

15 THE COURT: No, I'll allow that. Go ahead.

16 You can answer.

17 A Yes.

18 Q You are aware that you can not discriminate against  
19 an employee for utilizing Workers' Compensation, correct?

20 A I'm not sure what you mean by neutralizing.

21 Q I'm sorry you're not sure what?

22 A I'm not sure what you mean by neutralizing.

23 Q I didn't use the word neutralizing.

24 A I'm sorry.

25 Q You are aware that you can not discriminate against

Maynard - Direct/Mr. Antollino

606

1 an employee for utilizing Workers' Compensation insurance,  
2 correct?

3 A Correct.

4 Q You know it is against the law to fire an employee  
5 because they use Workers' Compensation, correct?

6 MR. ZABELL: Objection.

7 THE COURT: I'll allow the question. But there  
8 is no claim in this case for termination, unlawful  
9 termination because of filing of a Workers' Compensation  
10 claim. It is based upon sexual orientation. But I'll  
11 with allow him to answer that question. Go ahead.

12 A Yes.

13 Q And you did not fire Don because he filed for  
14 Workers' Compensation or anything related thereto,  
15 correct?

16 A Correct.

17 Q Now after Don get injured, there was a mandatory  
18 staff meeting at the Drop Zone.

19 Is that correct?

20 A Yes, there was.

21 Q And you believe that Don went to that meeting,  
22 correct?

23 A Don was not an employee at that point because he was  
24 out on Workers' Comp and he was hurt.

25 Q He was sent a letter saying there was a mandatory

Maynard - Direct/Mr. Antollino

607

1 meeting.

2 Is that correct?

3 A No.

4 Q How do you know that?

5 A Because we don't send letters for meetings.

6 Q Don did appear at that meeting though, did he not?

7 A He inadvertently was still on the employee e-mail  
8 list that I don't control, and it was a mistake made by  
9 the office.

10 Q So he followed what instruction was given not knowing  
11 that there was an inadvertence on your end.

12 Is that fair to say?

13 MR. ZABELL: Objection.

14 A No.

15 Q So there was an inadvertence on your end, and you  
16 sent Don an e-mail to come to a mandatory meeting,  
17 correct?

18 A Employee mandatory meeting. He was no longer an  
19 employee and he knew that.

20 Q How do you know that he knew that?

21 A Because he was no longer working for me.

22 Q His intention was to get back into skydiving as soon  
23 as possible.

24 Isn't that correct?

25 A Yeah.

**Maynard - Direct/Mr. Antollino**

608

1           He had a cast on his leg and he was in crutches.  
2           He knew he could not get back to work for many months.  
3           And there was no reason for him to be at my website in a  
4           cast on crutches for my customers to now have a little  
5           more fear that, that not coming there. And that is my  
6           answer.

7           Q     Okay. He did not know when his cast would be taken  
8           off, did he?

9                     MR. ZABELL: Objection.

10                    THE COURT: Sustained to the form.

11           BY MR. ANTOLLINO:

12           Q     Were you aware that Don knew when his cast was going  
13           to be taken off?

14           A     It was a recent injury. I had broken my ankle and it  
15           was a minimum of six weeks.

16           Q     Okay.

17           A     No. I did not know when he was going to get it off.  
18           Sorry.

19           Q     I'm sorry, what was that?

20           A     No, I do not, I did not know when his cast was  
21           coming off, to answer your question.

22           Q     You did not know when had the cast was coming off,  
23           correct?

24                     MR. ZABELL: Objection.

25                    THE COURT: Sustained to form.



Maynard - Direct/Mr. Antollino

609

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BY MR. ANTOLLINO:

Q As far as you know --

MR. ZABELL: Objection.

THE COURT: I'll let him finish.

Did you have a conversation with Mr. Zarda about when his cast was coming off?

THE WITNESS: No, I did not.

BY MR. ANTOLLINO:

Q He essentially came out saying that he was hoping to get back to work as soon as possible. Did he not?

A Yes.

Q Now 2/21/2010 the office received a call from David Kengle, correct?

A Correct.

Q Kengle had taken a tandem jump a few days earlier on 6/18/2010, correct?

A Correct.

Q That was three days before his call, correct?

A Correct.

Q You're open during the weekend, correct?

A Yes, we are.

Q So he could have called Friday to complain, he could have called Saturday to complain, he could have called Sunday and complained.

**Maynard - Direct/Mr. Antollino**

610

1 Is that correct?

2 MR. ZABELL: Objection.

3 THE COURT: Sustained.

4 BY MR. ANTOLLINO:

5 Q He did not complain for three days until after his  
6 jump.

7 Is that a fair characterization?

8 MR. ZABELL: Objection. Asked and answered.

9 THE COURT: Sustained.

10 MR. ANTOLLINO: Is that sustained as to form?

11 THE COURT: No, asked and answered.

12 MR. ANTOLLINO: Asked and answered. All right.

13 BY MR. ANTOLLINO:

14 Q No one has the right to expect a perfect skydive, do  
15 they?

16 MR. ZABELL: Objection.

17 THE COURT: Limit it.

18 Q There is nothing in Mr. Kengle's video that verified  
19 his complaint about what his girlfriend told you, correct?

20 MR. ZABELL: Objection.

21 THE COURT: We've already gone through.

22 BY MR. ANTOLLINO:

23 Q So Kengle told you that his girlfriend said to him,  
24 Don't worry that I'm so close because I'm gay, and that  
25 made her feel uncomfortable?

Maynard - Direct/Mr. Antollino

611

1 MR. ZABELL: Objection.

2 THE COURT: That is okay. He can answer that.

3 A I believe that she was already feeling uncomfortable  
4 because he was placing his hands on her hip and it

5 shouldn't have been there for that amount of time. And I  
6 believe that is when she started feeling uncomfortable.

7 And after that was when Don said, Don't worry, I'm gay.

8 Q You did not ask Don anything about this particular  
9 jump, did you?

10 A Yes, I did.

11 Q In fact, he asked you to see the video so he could  
12 remind himself who you were talking about. Didn't he?

13 MR. ZABELL: Objection.

14 THE COURT: That's okay. You can answer that.

15 MR. ZABELL: Your Honor, my objection is only to  
16 the portion of the question as to what he may use viewing  
17 the videotape for, not that he didn't ask to see the  
18 videotape.

19 THE COURT: Well, it could have been part of the  
20 discussion. Overruled.

21 Do you remember the question?

22 A No, I did not show Don the video.

23 Q And he specifically asked for it because he wanted to  
24 be able to understand what the complaint was, correct?

25 MR. ZABELL: Objection.

**Maynard - Direct/Mr. Antollino**

612

1 THE COURT: No, it's okay. Again, part of the  
2 discussion.

3 A That discussion did not happen at the initial  
4 meeting. He never asked to see the videotape.

5 Q So it's only until the second meeting that he asked  
6 to see the videotape?

7 A That's correct.

8 Q He didn't ask anything about the jump at the  
9 suspension meeting?

10 A Yes, I asked him.

11 MR. ZABELL: Objection.

12 A Yes, I did ask him.

13 Q You did ask him.

14 And he told you, That's 30 jumps ago, I can't  
15 remember who you're talking about. Didn't he?

16 A Yes, he did.

17 Q All right. It could be reasonable for someone who  
18 had gone through three days of skydiving not to remember  
19 one particular person that they had taken on a skydive  
20 three days ago, correct?

21 MR. ZABELL: Objection.

22 THE COURT: That's argumentative.

23 MR. ANTOLLINO: What?

24 THE COURT: That's argumentative.

25 Q Do you believe it would be reasonable -- well,

Maynard - Direct/Mr. Antollino

613

1 withdrawn.

2 How many jumps can a person have on a good day?

3 Would it be fair to say up to 12?

4 A Yes.

5 Q So if Don jumped for three days, he would have had

6 approximately 30 to 36 jumps during the period of time

7 that Rosana took a jump and that you confronted him with

8 this allegation, correct?

9 MR. ZABELL: Objection.

10 THE COURT: You can answer that.

11 A Yes, 12 jumps on a good day, on weekends. On

12 weekdays, probably half of that.

13 Q Okay. So at least 24, correct?

14 A Correct.

15 Q So it would be kind of hard for someone to remember

16 exactly who had made a complaint when you confronted him

17 with this complaint three days later, even if it was over

18 a weekend, correct?

19 MR. ZABELL: Objection to the form.

20 THE COURT: Sustained as argumentative.

21 BY MR. ANTOLLINO:

22 Q There would have been 24 jumps, approximately, in

23 between Rosana's jump and your presenting him with this

24 accusation, correct?

25 MR. ZABELL: Objection. Asked and answered.

Maynard - Direct/Mr. Antollino

614

1 THE COURT: Sustained.

2 BY MR. ANTOLLINO:

3 Q Don did not know which of the 24 customers you were  
4 talking about, did he?

5 A I described what happened on Friday. We do have  
6 couples come out and celebrate birthdays and different  
7 things. It does not happen all the time. This was the  
8 only one in probably several weeks, the girl was  
9 celebrating her birthday. I asked Don if he remembered  
10 her and he said no. And I told him about everything that  
11 Mr. -- her boyfriend testified to, told me.

12 First time I asked him, he said, I don't  
13 remember the jump. And I described that it was her  
14 birthday, who the girl was, who the guy was. And again,  
15 he said, I have no recollection.

16 Q All right. And so that was all of the information  
17 you gave. There was guy and a girl, the girl had a  
18 birthday and you told the girl that you were gay, correct?

19 MR. ZABELL: Objection.

20 THE COURT: No, that is okay. You can answer  
21 that.

22 A No. He told me that she felt that he was touching  
23 her where he shouldn't have been, and not in a good way,  
24 and she felt very uncomfortable. And not that he said  
25 that he was gay. It was what he did and what he said

Maynard - Direct/Mr. Antollino

615

1 under canopy, made her very -- feel very, very  
2 uncomfortable.

3 So part of my investigation of trying to find  
4 out what happened is that when I got the phone call, I  
5 called Don and asked him those questions. And he could  
6 not -- he said he did not remember.

7 Q And you didn't do anything to help him remember, did  
8 you?

9 A I needed to do -- I needed to go do some  
10 investigation. And because of the history and this had  
11 happened two times before, I had this exact conversation  
12 with him twice before. And now here it is the third time  
13 that I had to worry about my customers having complaints,  
14 leaving my place being unhappy.

15 And my business is dependent on my customer  
16 service of my employees when they leave there. So I did  
17 not terminate that Monday because I was very angry. I  
18 wanted to take some time. I wanted to look at the  
19 videotape.

20 When I watched the videotape and what he said,  
21 it really -- I actually agreed with what I saw.

22 Q You agreed that Don wanted to -- Don -- you knew that  
23 Don was a gay male, correct?

24 A That is not what we're talking about.

25 Q You knew that Don was a gay male, correct?

Maynard - Direct/Mr. Antollino

616

1 A Yes.

2 Q All right. And this guy said that he didn't want his  
3 girlfriend to hear that Don was a gay male, correct?

4 A That is not what he said, and that is not what I  
5 said.

6 Q Didn't you hear him testify today that that is what  
7 he told you?

8 MR. ZABELL: Objection.

9 THE COURT: Sustained.

10 The jury will disregard that.

11 Please don't refer to other people's testimony.

12 He is a fact witness. You ask him what he remembers and  
13 the jury will hear what each witness remembers. You can't  
14 be asking each witness to comment on what they remember  
15 about another witness' testimony.

16 BY MR. ANTOLLINO:

17 Q All right.

18 So your recollection is that Mr. Kengle didn't  
19 say anything about gay whatsoever?

20 A I didn't say that either.

21 Q Well --

22 A Listen to his testimony.

23 MR. ZABELL: Objection.

24 THE COURT: Sustained. The jury will disregard  
25 that.



Maynard - Direct/Mr. Antollino

617

1 BY MR. ANTOLLINO:

2 Q Did he mention that Don Zarda said he was gay or he  
3 did not mention that Don Zarda said he was gay?

4 MR. ZABELL: I'm going to object to the form of  
5 the question.

6 THE COURT: When you say he, you're talking  
7 about Mr. Kengle?

8 MR. ANTOLLINO: I just want find out what his  
9 position is.

10 THE COURT: You can answer that.

11 A Yes, Mr. Kengle did say that Don told her he was gay.

12 Q But you also credited -- is it your testimony today  
13 that you credited the allegation that Don Zarda improperly  
14 touched Rosana Orellana?

15 A Yes.

16 Q All right. I want you to take a look at your  
17 deposition on page 196. Take a look at line 19.

18 MR. ZABELL: Your Honor, I ask that the question  
19 before that be read, the question and answer before that,  
20 beginning on line 8.

21 THE COURT: Yes.

22 BY MR. ANTOLLINO:

23 Q All right.

24 Question: Did you think that Don was hitting on  
25 her?

**Maynard - Direct/Mr. Antollino**

618

1 MR. ZABELL: Your Honor.

2 MR. ANTOLLINO: I haven't read the previous  
3 questions because I'm focusing on this one which relates  
4 to the question that I just asked him.

5 THE COURT: Okay, come up.

6 (Continued on the following page.)  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Maynard - Direct/Mr. Antollino

619

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: I have asked that line 8 start  
3 the question.

4 THE COURT: Where do you want to read from?

5 MR. ANTOLLINO: Just at 19 through 25.

6 THE COURT: You should read that part first,  
7 okay?

8 MR. ANTOLLINO: Yes.

9 MR. ZABELL: Thank you, your Honor.

10 I would like a copy of the testimony. We have  
11 an extra.

12 THE COURT: Yes.

13 (Continued on the following page.)

14

15

16

17

18

19

20

21

22

23

24

25

**Maynard - Direct/Mr. Antollino**

620

1 (The following occurred in open court.)

2 BY MR. ANTOLLINO:

3 Q All right. At line 8 you were asked, And what did  
4 you discuss with Mr. Kengle on this 20 minutes or 30  
5 minutes?

6 Answer: We discussed the complaint from the  
7 gentleman about his girlfriend and then he made his  
8 girlfriend feel very uncomfortable with the way he was  
9 touching her on her legs, the way he was putting his head  
10 on her shoulder and just the girl was very, very  
11 uncomfortable for the entire jump and she even thought  
12 that maybe he was hitting on her and he was covering up  
13 this stuff by telling her he was gay.

14 Question: Did you think that Don was hitting on  
15 her?

16 Answer: It doesn't matter what I think.

17 Were you asked those questions and did you give  
18 those answers.

19 A Yes, I did.

20 Q Does it matter what you think?

21 A It matters what the actions were, not what I think.

22 Q But you were not there to see the actions, were you?

23 A No, I was not.

24 Q All right. And then were you further asked, I'm  
25 asking you if you think that Don was hitting on her?

Maynard - Direct/Mr. Antollino

621

1 Answer: I couldn't say if I thought he was or  
2 not.

3 Were you asked that question and did you give  
4 that answer?

5 A Yes.

6 Q And I gave Mr. Kengle his money back solely on his  
7 complaint, correct?

8 A Yes.

9 Q And you took that money away from Don Zarda and sent  
10 him home suspended without pay for a week, correct?

11 A No.

12 Q How long was it?

13 MR. ZABELL: Objection.

14 THE COURT: No, it's okay. Go ahead, you can  
15 answer.

16 A Those jumps were made on a Friday. The payroll goes  
17 through to the next Saturday is when any jumps -- a week  
18 goes from Monday to Sunday. So if you make a jump on  
19 Friday, the 18th, you don't get paid on Saturday. Our  
20 payday is Saturday. You don't get paid on Saturday, the  
21 19th. The payroll goes to the following week and that's  
22 how it has always been.

23 So when I told Don I was docking his pay, he  
24 wasn't going to get paid until that following Saturday.  
25 The next time I saw Don was on the Monday. And I had

**Maynard - Direct/Mr. Antollino**

622

1 talked -- and I had spoken with my attorney. And I know  
2 that I shouldn't have told him I was going to dock his  
3 pay. So he wouldn't have been paid on Saturday. He  
4 didn't show up. He came on Monday. He got his check with  
5 the docked money along with a second check for that, which  
6 gave him a full amount of money so we're talking maybe a  
7 day and-a-half.

8 Q Okay. So between Saturday and Sunday and Monday of  
9 the following week he did not have that money in his hand?

10 A If he came in on Saturday and picked up his pay he  
11 would have had it.

12 Q Well, you didn't ask him to come in on Saturday, did  
13 you?

14 A I don't think I have asked anybody to come in and get  
15 their payroll.

16 Q You suspended him from the drops zone, correct?

17 A I suspended him for a week. I didn't tell him he  
18 couldn't come in and get his paycheck.

19 Q And you suspended him without pay, correct?

20 A I took the money from those two jumps out of his pay  
21 during that week. I told the payroll service to do that.  
22 Okay. And then that Saturday is when the checks are  
23 issued. Before that happened, I wrote out a check for the  
24 full amount of money so that when he came to get paid, he  
25 would have had the full check in his hand. I would have

Maynard - Direct/Mr. Antollino

623

1 had that on the payday of Saturday if he came. He came in  
2 on Monday and I gave him all his money. If he had come in  
3 on Saturday, I would have gotten all his money.

4 From that jump on Friday, he would have never  
5 gotten that money until the following Saturday because  
6 that is how payroll works.

7 Q But he had no idea that you were going to give him  
8 his money because you told him you were going to dock his  
9 pay, correct?

10 A And I changed my mind and I wrote a check out for  
11 him.

12 Q You changed your mind but you didn't tell Don that  
13 you changed your mind, did you?

14 A I didn't call Don, Don didn't call me.

15 Q And you didn't tell Rich who was in contact with Don,  
16 correct?

17 A Rich who?

18 Q Rich Winstock.

19 A What does he have to do with this?

20 Q Rich Winstock was your second in command, correct?

21 A Unofficially, probably.

22 Q He was in contact with Don during this period,  
23 correct?

24 A I didn't know that.

25 Q You didn't talk to Rich about --

Maynard - Direct/Mr. Antollino

624

1 A I talked to Rich about it.

2 Q And Rich recommended of that you simply give him a  
3 written reprimand and move on at that point, correct?

4 A Rich did not know Don's history from 2001 when this  
5 happened two times before.

6 Q Did you explain that to him?

7 A Yes, I did.

8 Q All right. And he still recommended a written  
9 reprimand, correct?

10 MR. ZABELL: Objection.

11 A No.

12 THE COURT: Overruled.

13 BY MR. ANTOLLINO:

14 Q You can answer.

15 THE COURT: He did answer. He said, no.

16 You said no?

17 A Yes.

18 Q Now, you understand that --

19 THE COURT: Let's just go ahead, so it's  
20 quicker, I'm going to ask the court reporter read back the  
21 question and answer again, okay?

22 (Question and answer read back.)

23 BY MR. ANTOLLINO:

24 Q What did he recommend at this point? Did he  
25 recommend that you fire Don?



**Maynard - Direct/Mr. Antollino**

625

1 A There wasn't much more conversation about it.

2 Q So he didn't say anything?

3 A No, he did not.

4 Q And when you talked about these other two people, you  
5 just said that he told them that he was gay, correct?

6 A He told two people he was gay?

7 Q Yes, in 2001.

8 A On a skydive, he upset two other women to the point  
9 they were almost in tears talking about what he was doing  
10 and he wasn't talking about the stuff on the job, yes.

11 Q When you say stuff he was doing, you're talking about  
12 his being gay, correct?

13 A It wouldn't matter what my instructors are saying to  
14 customers if they're not talking about what they're  
15 supposed to be talking about. A skydive is not about him,  
16 the skydive is about a skydive. So if any instructor puts  
17 them before the job, they would be terminated if there is  
18 a complaint.

19 Q So you would fire anyone if there was any complaint?

20 A Any complaint such as this.

21 Q But yet we've gone through the complaints that have  
22 been online and you didn't fire anybody because of those,  
23 correct?

24 A Who, what did they complain about?

25 Q They complained about the videographer, they

Maynard - Direct/Mr. Antollino

626

1 complained about the waiting area, they complained about  
2 the wait. They complained about the prices on the  
3 dropzone.com.

4 Isn't that correct?

5 A Those are things that happen inadvertently. I mean,  
6 you have to wait all the time. Everybody is told that.  
7 When you make a reservation, you're told, expect to be in  
8 there for half the day. And if the weather changes or if  
9 something else goes on, we doesn't have control over that.

10 Q But there were people complaining about the ladies in  
11 the -- in the --

12 A It's a one-sided conversation. You have no idea what  
13 they said to them.

14 Q I didn't finish asking the question.

15 There was someone who was asking and complaining  
16 about the ladies in the office, I know you're busy but  
17 please don't get frustrated with me, when after two  
18 hours --

19 MR. ZABELL: Objection, judge.

20 THE COURT: Sustained.

21 BY MR. ANTOLLINO:

22 Q All right. May I hand this up to the witness? This  
23 is plaintiff's can Exhibit 6. And ask if you recognize  
24 this?

25 A There is not any truth in this whatsoever.

**Maynard - Direct/Mr. Antollino**

627

1 Q These are complaints about Skydive Long Island,  
2 correct?

3 A Online with some lady that won't even give their  
4 name. They're anonymous.

5 Q I just want to make it clear that these are  
6 complaints about Skydive Long Island, correct?

7 MR. ZABELL: Objection, your Honor.

8 MR. ANTOLLINO: Just make it clear.

9 MR. ZABELL: They are not in evidence.

10 MR. ANTOLLINO: All right. I'll move them into  
11 evidence, judge, Plaintiff's Exhibit 6.

12 MR. ZABELL: I object for lack of foundation.

13 THE COURT: Let's take a break, okay? The  
14 afternoon break. Don't discuss the case.

15 (The jury left the courtroom.)

16 THE COURT: I don't notice if we had customers  
17 earlier in the testimony. Are these the ones --

18 MR. ANTOLLINO: These are different.

19 THE COURT: They're anonymous?

20 MR. ANTOLLINO: No, they're not quite anonymous.

21 MR. ZABELL: Kevin W. from New York, New York on  
22 October 26th.

23 THE COURT: What exhibit is this?

24 MR. ZABELL: Exhibit 6, Defendant Exhibit 6.

25 THE COURT: Plaintiff's.

Maynard - Direct/Mr. Antollino

628

1 MR. ZABELL: Plaintiff's, I'm sorry. A 2.

2 THE COURT: This is a question about the  
3 deposition, these complaints.

4 MR. ZABELL: I don't believe he was aware of  
5 them. There are complaints that occurred after the  
6 incident in question, was October 26, 2010, the other is  
7 September 11, 2011.

8 MR. ANTOLLINO: The question is what he would do  
9 if there was complaint and he just testified as long as  
10 there is a complaint, I would fire.

11 MR. ZABELL: That is not what he testified to.

12 THE COURT: That is not -- we have to break it  
13 down. We were going okay for a while and we're starting  
14 to break down, okay?

15 The question regarding these other complaints, I  
16 think he was about to explain why he didn't act on these  
17 complaints and I think that is fair game. Let him explain  
18 for him to point out that other complaints were taken,  
19 there was no adverse actions taken with respect to any  
20 employees and obviously Mr. Maynard is free to explain,  
21 assuming that he was aware of these, and why did he decide  
22 to take no action, whether he did any investigation or  
23 based upon nature of the complaint, he did not credit  
24 them, whatever it is.

25 MR. ZABELL: I understand that. But shouldn't

**Maynard - Direct/Mr. Antollino**

629

1 they come in with a proper foundation, be admitted into  
2 evidence and then be read in, instead of having --

3 THE COURT: Certainly before they're read out  
4 loud they should come into evidence, but you say proper  
5 foundation, yes. If he thinks this is off the website and  
6 he reviewed them, he should bring that out first.

7 MR. ZABELL: This is not his business website.  
8 This is Yelp review. Yelp is a public opinion website.

9 THE COURT: So I guess if it's not on his  
10 website, then the method of authentication would be that  
11 he was aware of these.

12 MR. ZABELL: Absolutely. But those questions  
13 should be asked in the normal course.

14 THE COURT: Okay.

15 MR. ZABELL: It would be like asking your Honor  
16 to comment on a comment that was written about you on The  
17 Robing Room. Sometimes I'm sure you could read and figure  
18 out who it was that said it, but you would have to ask  
19 that foundation question.

20 THE COURT: All right. You have to ask him  
21 whether he saw this. I didn't realize it was on Yelp.  
22 You have to ask him whether he saw it.

23 MR. ANTOLLINO: He saw it in his deposition.

24 THE COURT: Then if you had seen this, what  
25 would you have done, so...

**Maynard - Direct/Mr. Antollino**

630

1 MR. ZABELL: Maybe to ask him if he had seen it  
2 in October of 2010 when it was posted.

3 THE COURT: Well, for sure we can. Well, if he  
4 hasn't seen these, then there is no probative value. I'm  
5 not allowing you to ask a hypothetical if he had seen  
6 this.

7 MR. ANTOLLINO: Not if he had seen it. He saw  
8 it at his deposition. It was marked as an exhibit at his  
9 deposition and he was asked questions about it.

10 THE COURT: But if he saw it at the deposition  
11 doesn't mean he saw it in the course of his business and  
12 made a decision during his business not to take action on  
13 it. There is a big difference.

14 Anybody can show anything at their deposition,  
15 it doesn't make it admissible. If he saw it in the course  
16 of his business and analyzed it and made a decision, do  
17 something or not to do something, that would be fair game.  
18 But the first time he ever saw this was at the deposition,  
19 zero probative value, okay?

20 MR. ANTOLLINO: What about the second time?

21 MR. ZABELL: If he saw it the second time after  
22 seeing it the first time at the deposition?

23 THE COURT: We're talking about the second time.

24 MR. ANTOLLINO: We talked about this at length,  
25 and I don't know what this person, what Mr. Maynard saw

**Maynard - Direct/Mr. Antollino**

631

1 after his deposition.

2 THE COURT: It doesn't matter what he saw after  
3 the deposition. Okay. The question is, did he see it  
4 before you showed it to him for the first time at the  
5 deposition. He hasn't seen it. If he hasn't seen it then  
6 you can't ask someone, why didn't you take action on this.  
7 If there is testimony that he never saw it, it was on Yelp  
8 and he never saw it. Okay?

9 And the same would be for the second one. I  
10 don't know if the second one is in the same category. Is  
11 the second one off his website or --

12 MR. ZABELL: It's Yelp.

13 THE COURT: The questions, then they become  
14 hypothetical, if you had seen this, what would you have  
15 done. I'm not going to allow that, okay?

16 MR. ANTOLLINO: All right.

17 THE COURT: How much more do you have? I hope  
18 you're getting to the end.

19 MR. ANTOLLINO: I'm near the end.

20 THE COURT: All right. Okay. Let's take our  
21 break.

22 MR. ZABELL: Thank you, your Honor.

23 (A recess was taken at 3:24 p.m.)

24 (After recess the following occurred.)

25 THE COURT: You think we are still going to

**Maynard - Direct/Mr. Antollino**

632

1 finish the testimony by tomorrow, correct?

2 MR. ZABELL: I'm hoping. I would like very much  
3 to get in some of my witnesses done today.

4 MR. ANTOLLINO: I don't think I'll be done  
5 within 45 minutes today, judge, based on how it's going.  
6 He stands up and objects to every question.

7 THE COURT: How do you say you need another 45  
8 minutes?

9 What topics haven't you covered that you have  
10 covered already? We have gone through now, obviously,  
11 Ms. Orellana's incident. What's left?

12 MR. ANTOLLINO: Judge, I cut it down, as I told  
13 you, as best I can, as best my judgment. And I believe  
14 that I can do it in 15 minutes, but for every answer there  
15 is an explanation and an objection. That's what takes so  
16 long.

17 THE COURT: Let's try to do it. Let's shoot for  
18 15 minutes.

19 MR. ANTOLLINO: All right. Then ask Mr. Zabell  
20 and Mr. -- not to object -- and Mr. Maynard not to object  
21 and explain every question.

22 THE COURT: Let's bring in the jury.

23 (The jury entered the courtroom.)

24 THE COURT: All right.

25



Maynard - Direct/Mr. Antollino

633

1 BY MR. ANTOLLINO:

2 Q Mr. Maynard, you are familiar with Yelp.

3 Is that not true?

4 A Yes, I am.

5 Q In fact, you have an account on Yelp in which you  
6 respond to customer complaints, correct?

7 A Yes, we do.

8 Q All right. Now, I'm going to show you what's  
9 Plaintiff's Exhibit 6 and ask you if you recognize these  
10 complaints from Yelp.

11 A I don't remember seeing this one.

12 Q But you do recognize that is a Yelp complaint with  
13 those stars there, correct?

14 A Yes.

15 Q Yes?

16 A Yes. And I think I remember seeing this one also.

17 Q You do remember seeing this one?

18 A I do.

19 MR. ANTOLLINO: I ask that this be admitted,  
20 judge.

21 THE COURT: The first one you remembered seeing  
22 as well? I didn't hear the answer.

23 A No, not that one.

24 Q So you remember seeing the first one?

25 A I remember seeing this, yes.

**Maynard - Direct/Mr. Antollino**

634

1 Q And the second one which is also a Yelp complaint, do  
2 you remember seeing this?

3 A No, I don't.

4 Q All right.

5 MR. ANTOLLINO: Well, I would ask to admit the  
6 first page of Exhibit 6, and I'll tell you what.

7 THE COURT: I want to see if there is any  
8 objection.

9 MR. ZABELL: No. But I want to hear what he  
10 wants to tell us.

11 MR. ANTOLLINO: I'll tell you what. I won't ask  
12 any further questions. We'll go into this on summation,  
13 okay?

14 THE COURT: Okay. So it's admitted, just the  
15 one page.

16 MR. ANTOLLINO: Yes.

17 (Plaintiff Exhibit 6 evidence.)

18 BY MR. ANTOLLINO:

19 Q So before you fired Don, you didn't speak to anyone  
20 who was on the plane other than Don or Mr. Kengle,  
21 correct?

22 A Correct.

23 Q So the video which you saw, you remember him making a  
24 goofy face.

25 Is that right?

**Maynard - Direct/Mr. Antollino**

635

1 A I would not characterize that as goofy.

2 Q All right. Well, I'm going to show you, take a look  
3 at your deposition, page 200.

4 Do you see page 200?

5 A Yes, I do.

6 Q And, in fact, you describe page 200 as goofy antics  
7 going on in the airplane.

8 A I think you're saying that.

9 Q All right. Well, let me look at the question. I  
10 don't happen to have that page with me.

11 MR. ZABELL: Here you go.

12 BY MR. ANTOLLINO:

13 Q Okay. Were you asked this question, Isn't there  
14 usually a goofy atmosphere that goes on in the rig before  
15 a jump?

16 MR. ZABELL: Objection. That is not on page  
17 200.

18 MR. ANTOLLINO: That is 200, line 20.

19 BY MR. ANTOLLINO:

20 Q Isn't there usually a goofy atmosphere that goes on  
21 in the rig before a jump?

22 You were asked that question, correct?

23 A In the rig? What is the rig?

24 Q That is what I said at my deposition. You were asked  
25 that question at the deposition, correct?

Maynard - Direct/Mr. Antollino

636

1 A Yes.

2 Q And you answered, There are times, yes, there are  
3 goofy times.

4 That was your answer, correct?

5 A Yes, but that wasn't what I said about Don. And I  
6 didn't say that about Don's video.

7 Q But you would characterize the atmosphere as goofy  
8 according to this, correct?

9 A He kept saying goofy so I agreed with you.

10 Q All right. And you agreed with me because it was the  
11 truth, correct?

12 A We try to have our -- we try to make it fun up there.  
13 Our first job is to make everything as safe as possible.  
14 And by having a little fun atmosphere, we try to make the  
15 customers relax, yes.

16 Q Okay. And by having them relax, you're funny, you  
17 make jokes, you're goofy, you're childlike, all of those  
18 things, correct?

19 MR. ZABELL: Objection.

20 THE COURT: We went through this already in his  
21 testimony.

22 BY MR. ANTOLLINO:

23 Q All right now, you saw -- you have seen pictures of  
24 someone putting their hand on someone else's behind as  
25 they're getting out of an aircraft, correct?

Maynard - Direct/Mr. Antollino

637

1 A Yes.

2 Q That's necessary because the person getting out of an  
3 aircraft doesn't have something to stand on, correct?

4 A Yes.

5 Q Okay. When an instructor is exiting an airplane with  
6 a passenger, his mouth is very close to the passenger's  
7 ears, correct?

8 A Yes.

9 Q All right. And that's because if the instructor is  
10 talking to the helmet, the passenger is not going to hear  
11 as well as if he is on the right side or the left side,  
12 correct?

13 A What you're saying, yes.

14 Q Now, do you remember the video where a bunch of  
15 people were about to jump out of a plane and they all  
16 exclaimed, Make shit happen?

17 A Yes.

18 Q Okay. And there is nothing inappropriate about that,  
19 given the context in which it's happening, correct?

20 A Correct.

21 Q You saw a picture of Rich Winstock having his hand on  
22 a passengers's shoulder and you thought nothing wrong of  
23 it, correct?

24 A Correct.

25 Q Now, you were not aware, were you, at the time you

**Maynard - Direct/Mr. Antollino**

638

1 fired Don, that Rosana was kissing the camera, were you?

2 MR. ZABELL: Objection as to facts not in  
3 evidence.

4 THE COURT: Sustained to the form.

5 BY MR. ANTOLLINO:

6 Q You saw Mr. Kengle's video this morning, correct?

7 A Yes, I did.

8 Q And there was a portion there where Rosana was  
9 pursing her lips at the camera, correct?

10 A She was going along with what was going on in the  
11 airplane.

12 Q Can you answer the question, was she pursing her  
13 lips?

14 A Yes.

15 Q In the form of a kiss, correct?

16 A Could be termed that way.

17 Q Now, Mr. Kengle did not tell you that there had been  
18 a joke in the aircraft to the effect that, I bet you  
19 didn't think that your girlfriend was going to get  
20 strapped to another guy, correct?

21 A That said -- I read that more than once, yes.

22 Q And Mr. Kengle didn't tell you that when he called  
23 you, correct?

24 A I'm not sure. I don't remember.

25 Q Why don't you take a look at your deposition,

Maynard - Direct/Mr. Antollino

639

1 page 210, and I'll ask you if that refreshes your  
2 recollection.

3 THE COURT: Do you have the deposition?

4 A You took my copy.

5 Q I'm sorry.

6 Do you see that? On line 15, Did Mr. Kengle  
7 tell you that there has been a joke before the passengers  
8 exited the airplane?

9 Answer: I don't recall.

10 Question: In fact, did he in fact tell you that  
11 one of the instructors other than Don made a joke to the  
12 effect that, Hey, I bet you didn't think that your  
13 girlfriend was going to get strapped to another guy.

14 And you answered, I don't know.

15 Question: You don't know if he told you that?

16 No.

17 You answered -- you were asked those questions  
18 and you were given those answers, correct?

19 A Yes.

20 Q All right. Now, if that joke was made, it wasn't an  
21 inappropriate joke according to you, correct?

22 A Correct.

23 Q Now, that comment would have been on Mr. Kengle's  
24 mind during the jump, wouldn't that be fair to say, it was  
25 made before the jump?

Maynard - Direct/Mr. Antollino

640

1 MR. ZABELL: Objection.

2 THE COURT: Sustained.

3 BY MR. ANTOLLINO:

4 Q You did not think it is inappropriate for Rich  
5 Winstock to tell a customer that he was married and had  
6 children, do you?

7 A No.

8 Q That's personal information, correct?

9 A Yes.

10 Q If he felt that was appropriate under the  
11 circumstances, you respect his judgment, correct?

12 A Yes.

13 Q And you knew that when you took your deposition in  
14 2011, right?

15 A Correct.

16 Q He used that personal information in his best  
17 judgment to ease the tension, correct?

18 A That is what he said.

19 Q You didn't fire Rich Winstock for that, correct?

20 A Nobody complained.

21 Q You didn't suspend him, correct?

22 A Nobody complained.

23 Q If someone had complained --

24 MR. ANTOLLINO: Are you going to let me ask this  
25 judge?



**Maynard - Direct/Mr. Antollino**

641

1 Q If someone had complained, are you going to fire  
2 someone for saying they're married and have children?

3 A No.

4 Q Now, you believe that Don's comment about being gay  
5 is a comment about an escapade, correct?

6 MR. ZABELL: Objection.

7 THE COURT: Sustained to the form.

8 BY MR. ANTOLLINO:

9 Q What is an escapade?

10 A An escapade could be an event, be someplace you're  
11 going, it could be a date. Just another word for doing  
12 something.

13 Q And you heard on the tape last week that you referred  
14 to Don telling Ms. Orellana about his escapades, correct?

15 MR. ZABELL: Objection.

16 THE COURT: Overruled. You can answer that.

17 A Yes.

18 Q And his escapades were being gay, correct?

19 A No.

20 Like I said, an escapade could be going  
21 somewhere, doing something, going on a date.

22 Q So you don't know what escapades you were referring  
23 to in that tape?

24 A Do I know what escapade?

25 Q Yes. You don't know what escapades you were

Maynard - Direct/Mr. Antollino

642

1 referring to in that tape, do you?

2 A I don't understand.

3 Q You referred -- now, let's just focus for a minute.

4 You referred to escapades in a tape that you heard last  
5 week, correct?

6 A Correct.

7 Q What escapades were you talking about?

8 A Don, you mean, with Ms. Orellana?

9 Q Yes.

10 A As you heard testimony from her, she told -- she  
11 spoke about Don was talking about, he had just broken up  
12 with his boyfriend and he was very unhappy. And that was  
13 what I considered an escapade.

14 Q Breaking up with a boyfriend is an escapade?

15 A Why not?

16 Q All right. You never asked what it was about the  
17 hips that made Rosana uncomfortable, did you?

18 A About the what?

19 Q You never asked what it was about her hips that made  
20 Rosana uncomfortable, did you?

21 A No, I did not ask.

22 Q It could have been that Don was adjusting the straps  
23 down there, correct?

24 A No.

25 Q All right. Take a look at your deposition, page 250.

Maynard - Direct/Mr. Antollino

643

1 Do you have page 250 there?

2 A Yes.

3 Q All right. Take a look at page 149, line 25.

4 Question: And it could have been something,  
5 page 250, like he was adjusting the straps down there,  
6 correct?

7 Answer: It could.

8 Were you asked that question and did you give  
9 that answer?

10 A Yes.

11 Q And then I also asked you, And if he was adjusting  
12 the straps down there, that would not be a legitimate  
13 complaint, correct?

14 Answer: Correct.

15 A If he was just adjusting the straps, correct.

16 Q That's okay.

17 You trusted Don's judgment in adjusting the  
18 straps, to give as much safety and balance with  
19 customers -- withdrawn.

20 You trusted Don's judgment in adjusting the  
21 straps to give as much safety and balance with comfort for  
22 the passenger.

23 Is that correct?

24 A Correct.

25 Q What Rosana felt might well have been -- withdrawn.

Maynard - Direct/Mr. Antollino

644

1 Now, a tandem instructor wants to check the  
2 attachments to make sure that they are in place, correct?

3 A Correct.

4 Q That would require him to touch the attachments,  
5 correct?

6 A Correct.

7 Q Now, Mr. Kengle was paired with Duncan Shaw, correct?

8 A Correct.

9 Q And there is nothing wrong with the fact that Duncan  
10 Shaw told Mr. Kengle that he was from New Zealand,  
11 correct?

12 A Correct.

13 Q Even though being from New Zealand is personal  
14 information, correct?

15 A Correct.

16 Q When you are under canopy -- before I forget, I just  
17 want to ask this question.

18 Rosana testified last week that she was in free  
19 fall for ten minutes. Is that an exaggeration or is that  
20 accurate?

21 MR. ZABELL: Objection.

22 THE COURT: Sustained to form.

23 BY MR. ANTOLLINO:

24 Q How long are you in free fall in a typical dive?

25 A About 60 seconds.

Maynard - Direct/Mr. Antollino

645

1 Q So if she said ten minutes, that would be a  
2 mis-memory, correct?

3 A She was --

4 Q Let me finish asking the question.

5 If she said ten minutes, that would be  
6 incorrect, correct?

7 A Correct.

8 Q All right. Now, when you were under canopy, that's  
9 when you go up after the parachute is deployed.

10 Is that correct?

11 A The parachute does not go up. It actually --

12 Q So the parachute opens and it takes you up, correct?

13 A No.

14 Q Explain what being under canopy means.

15 A Initially in a free fall, and when you deploy the  
16 parachute you're throwing out what we call a drogue, a  
17 drogue chute. And then when they're in free fall with the  
18 drogue chute, that's stabilizing them at 120 miles an  
19 hour, and you do that about 50 seconds. And when he pulls  
20 the rip cord and releases the pin, it opens up a  
21 container, a deployment bag comes out, you get what we  
22 call line stretch. And then the parachute, or what we  
23 call canopy, then opens up. But you don't go up.

24 Q It just comes down?

25 A Correct. What you're seeing on the videotape is

Maynard - Direct/Mr. Antollino

646

1 because the videographer continues to fall and continues  
2 to videotape. What you're seeing, it looks like you're  
3 going up, but you're just slowing down and he is not.

4 Q Okay. Now under canopy you have to loosen the straps  
5 as you land, correct?

6 A Yes.

7 Q And you have to loosen the straps at the hips at that  
8 time, correct?

9 A Yes.

10 Q Otherwise an injury could occur, correct?

11 A It's more for comfort than you're worried about  
12 injury.

13 Q And comfort is important, correct?

14 A Yes.

15 Q It makes it better to have them loosened up as you  
16 reach the ground rather than loosen them just as you are  
17 landing.

18 Is that true?

19 A Yes.

20 Q All right. Now, when an instructor is strapped to a  
21 passenger, the instructor has to position his chin on  
22 either the right or the left side of the passenger to  
23 avoid hitting the passenger's head with his mouth,  
24 correct?

25 A What are you talking about, on the jump?

Maynard - Direct/Mr. Antollino

647

1 Q At any point.

2 A When you're sitting down in an airplane, that is  
3 when is the closest proximity to that. In free fall you  
4 can see that there is distance between them so that they  
5 don't have their head to one side or the other. And under  
6 the canopy, the same situation is because when they're --  
7 after the parachute is opened and you're hanging from the  
8 harness, you are lower than the tandem master.

9 So no, your head does not have to be on the  
10 right or the left of him, you're directly behind him  
11 because the distance is horizontally.

12 Q Take a look at page 259 of your deposition, line 6.

13 Are you there?

14 A 259, yes.

15 Q Line 6.

16 Question: Isn't it true that when an instructor  
17 is strapped to a passenger, the instructor has to position  
18 his chin on either the right or the left side of the  
19 passenger to avoid hitting the passenger's head with his  
20 mouth?

21 Answer: Sitting in the airplane?

22 Question: Either sitting in the airplane or up  
23 in the air.

24 Answer: Yes.

25 Were you asked those questions and did you give

Maynard - Direct/Mr. Antollino

648

1 those answers?

2 A Yes.

3 Q Okay.

4 MR. ZABELL: Your Honor, may we approach?

5 THE COURT: Yes.

6 (Continued on the following page.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Maynard - Direct/Mr. Antollino

649

1 (The following occurred at sidebar.)

2 MR. ZABELL: I think we have been very patient.  
3 We were shooting for 15 minutes. I kept any objections to  
4 the bare minimum.

5 I have a witness that I would like very much to  
6 get done with today. He is a ten-minute witness. I can't  
7 imagine being any more than that. If there is some way we  
8 can fit him in.

9 MR. ANTOLLINO: I'm almost done, judge. The  
10 more objections there are -- I don't have that much more.

11 THE COURT: Why don't we -- we did the other  
12 witness, why don't we try to get that witness in now?

13 MR. ANTOLLINO: All right, if you would like to  
14 do that now, we'll start with, at this point tomorrow.

15 THE COURT: Okay. But I have to leave promptly  
16 at 4:30.

17 MR. ZABELL: I got you.

18 (Continued on the following page.)  
19  
20  
21  
22  
23  
24  
25

**Burrell - Direct/Mr. Zabell**

650

1 (The following occurred in open court.)

2 THE COURT: Mr. Zabell has a witness that we  
3 want to take, a short witness we want to take in now so  
4 the witness doesn't have to come back tomorrow. So we're  
5 going to interrupt Mr. Maynard.

6 Will you step down and we'll do this now.

7 Thank you, Mr. Zabell.

8 MR. ZABELL: Your Honor, at this time we call  
9 Wayne Burrell. My associate is getting him now.

10 (There was a pause in the proceedings.)

11 THE COURT: Mr. Burrell, if you could come up to  
12 the witness stand and remain standing once you get there.

13 **WAYNE BURRELL**

14 called as a witness, having been first duly sworn,  
15 was examined and testified as follows:

16 THE COURT: Please state your name and spell  
17 your last name for the record.

18 THE WITNESS: Wayne Burrell, B-U-R-R-E-L-L.

19 THE COURT: All right, Mr. Zabell.

20 **DIRECT EXAMINATION**

21 **BY MR. ZABELL:**

22 Q Mr. Burrell, are you currently employed?

23 A Yes.

24 Q By whom are you currently employed?

25 A I'm self-employed.

**Burrell - Direct/Mr. Zabell**

651

1 Q In what type of business?

2 A Custom carpentry.

3 Q Are you familiar with the company called Skydive Long  
4 Island?

5 A Yes. I used to work there.

6 Q And how -- you worked there. How long did you work  
7 there?

8 A 24 years.

9 Q What did you do there for 24 years?

10 A I was an instructor.

11 Q Do you remember working with an employee by the name  
12 of Don Zarda?

13 A Yes, I do.

14 Q What do you remember of Mr. Zarda?

15 MR. ANTOLLINO: Objection.

16 THE COURT: No.

17 BY MR. ZABELL:

18 Q Did you have the opportunity to personally work with  
19 Mr. Zarda?

20 A Yes, sir.

21 Q What does that mean to you?

22 A We would be on the plane together as an instructor.

23 Q Did you ever socialize with Don Zarda?

24 A Yeah, we would chit-chat when we would be jumping or  
25 whatever at the end of the day.

**Burrell - Direct/Mr. Zabe11**

652

1 Q Did the two of you have any common interests?

2 A Yeah. I think he was into construction work. He did  
3 a little bit of electrical work, a little bit of  
4 carpentry, I believe.

5 Q Did you ever observe Don Zarda's skydiving skills?

6 A Yes.

7 Q Did you observe Mr. Zarda to be a competent skydiver?

8 A Yes.

9 Q Did you observe him to be a good skydiver?

10 A Yes.

11 Q Did you ever have occasion to see Mr. Zarda interact  
12 with skydiving students?

13 A Yes, sir.

14 Q And how did you see that?

15 A Just being like, I'm with a student and he would be  
16 with a student and we would get on the plane together and  
17 be on the plane together.

18 Q Now, what did you actually observe of Mr. Zarda  
19 jumping with skydiving students?

20 MR. ANTOLLINO: Objection to form.

21 THE COURT: Overruled. You can answer.

22 A Well, I mean on the plane, I just remember seeing him  
23 being, especially with female students, being a little  
24 unprofessional, rude, not talking to them, not being  
25 friendly.

**Burrell - Direct/Mr. Zabell**

653

1 Q And you only noticed that with Mr. Zarda with female  
2 students?

3 MR. ANTOLLINO: Objection. Leading.

4 THE COURT: Overruled.

5 You can answer.

6 BY MR. ZABELL:

7 Q Did you ever say anything to him about that?

8 A I never said anything to Don.

9 Q Did you ever say anything about that to anybody else  
10 at Skydive?

11 A I mentioned it to Ray's, but not formally.

12 Q Well, what did you mention?

13 A I would just say to Ray's that, you know, he's being  
14 unprofessional. He's not being nice to some of the  
15 students. And I don't agree with it and I don't like it.

16 Q And did you ever observe Mr. Zarda asking to trade  
17 passengers with you?

18 A I think I recollect that, on occasion, yeah.

19 Q What was the occasion?

20 A Well, he would prefer taking the male students over  
21 the female students.

22 Q Did you find that odd?

23 A Yes.

24 Q Why?

25 A You should just take whoever you're given.

**Burrell - Direct/Mr. Zabe11**

654

1 Q Is it easier to jump with a female student?

2 A Not necessarily, no.

3 Q Did you know that Don Zarda was gay?

4 A Yes.

5 Q How did you know he was gay?

6 A I just heard it at -- I just heard that the owner of  
7 the Dropzone had hired a gay skydiver.

8 Q And did Mr. Zarda ever introduce himself to you?

9 A I don't really recall. You know, like, just formal  
10 meeting. He didn't say anything. Just, you know, because  
11 when you get -- an instructor comes on the Dropzone, we  
12 just know he is a new instructor and you just get to know  
13 each other when you're on the plane, so...

14 Q And did you ever hear Don Zarda introduce himself as  
15 gay Don?

16 A I think I heard him say that on occasion.

17 Q And did you ever hear Don Zarda talk about his  
18 sexuality on the plane?

19 A Sure.

20 Q Did you ever hear any of your, any co-workers other  
21 than Don Zarda pick on Don because he was gay?

22 A No.

23 Q Did you ever hear any negative comments made to Don  
24 about his sexual orientation?

25 A No.

**Burrell - Direct/Mr. Zabell**

655

1 Q Do you think Don was treated differently at Skydive  
2 Long Island because of his sexual orientation?

3 A No.

4 MR. ANTOLLINO: Objection.

5 THE COURT: Overruled.

6 BY MR. ZABELL:

7 Q Do you know why Don Zarda --

8 MR. ANTOLLINO: Is there an answer?

9 MR. ZABELL: I thought he already had.

10 THE COURT: Yes, the answer was no, right?

11 THE WITNESS: I'm sorry, what question?

12 THE COURT: The question was, did you think that  
13 Don was treated differently.

14 THE WITNESS: No. I said no, he was not treated  
15 differently.

16 BY MR. ZABELL:

17 Q How often would you hear Don Zarda bring up his  
18 sexuality?

19 A I don't really recall exactly. It wasn't all the  
20 time, no.

21 Q Do you know why Don Zarda was terminated?

22 A Yes, I do.

23 Q Why was he terminated?

24 MR. ANTOLLINO: Objection. Calls for --

25 THE COURT: Yes, you need to ask him how he

**Burrell - Direct/Mr. Zabell**

656

1 knows first.

2 BY MR. ZABELL:

3 Q How do you know how Don Zarda was terminated?

4 A How do I know? Well, I worked with him and I heard  
5 that he had been let go.

6 Q Did he tell you or did somebody else tell you?

7 A I heard from one of the instructors, I believe.

8 MR. ANTOLLINO: All right. I'm going to object  
9 to that line of questioning.

10 THE COURT: Yes.

11 BY. MR. ZABELL:

12 Q Did you stay in contact with Don Zarda after he was  
13 terminated?

14 A No, I didn't.

15 Q Did you ever have any discussion was Don Zarda about  
16 base jumping?

17 A I had heard him talk about base jumping, but not  
18 specifically talking with him about it.

19 Q Do you recall when you heard him talking about base  
20 jumping?

21 A Well, I recall him being -- working at Skydive Long  
22 Island in 2001 and I remember hearing him talk about base  
23 jumping then.

24 Q Did you ever hear Don Zarda talk about jumping with a  
25 wing suit?



**Maynard - Direct/Mr. Antollino**

657

1 A Not that I recall.

2 MR. ZABELL: I have no further questions, judge.

3 THE COURT: Any cross-examination?

4 MR. ANTOLLINO: All right. No further  
5 questions, no questions at all.

6 THE COURT: All right. You may step down, thank  
7 you.

8 Mr. Maynard, if you can please take the stand  
9 again.

10 You're still under oath.

11 THE WITNESS: Yes, sir.

12 DIRECT EXAMINATION (Continued)

13 BY MR. ANTOLLINO:

14 Q I don't know where I was.

15 But do you believe it was not reasonable for  
16 Mr. Kengle to have felt uncomfortable about the comment  
17 that Mr. Kengle's girlfriend was going to get strapped to  
18 another guy, correct?

19 A Say that again.

20 Q Do you believe that it was not reasonable for  
21 Mr. Kengle to have felt uncomfortable by the comment that  
22 his girlfriend was getting strapped to another guy?

23 A I believe it was a joke. I don't think he took it  
24 any other way.

25 Q So therefore, it would not be reasonable for him to

Maynard - Direct/Mr. Antollino

658

1 feel uncomfortable about that, correct?

2 A I didn't say that.

3 Q Well, why don't you take a look at your deposition,  
4 page 260, line 3.

5 The question is, Do you think it might have been  
6 reasonable for Mr. Kengle --

7 A Sorry, 250?

8 Q 260, line 3.

9 A Okay.

10 Q Do you think it might have been reasonable for  
11 Mr. Kengle or Ms. Orellana to have felt uncomfortable by a  
12 comment that Mr. Kengle's girlfriend was getting strapped  
13 to another guy?

14 Question: You can answer.

15 Answer: No.

16 Were you asked those questions and did you give  
17 those answers?

18 A Yes.

19 Q All right. Did you think it was unreasonable that  
20 Don might have felt uncomfortable about that statement?

21 A No.

22 Q Do you think that Don had to go along with the idea  
23 that he was in a heterosexual triangle trying to hit on  
24 another woman?

25 MR. ZABELL: Objection.

**Maynard - Direct/Mr. Antollino**

659

1 THE COURT: Sustained.

2 BY MR. ANTOLLINO:

3 Q So someone who is making that comment or joke,  
4 whatever you call it, is implying that Don is being  
5 strapped up to his girlfriend, correct?

6 MR. ZABELL: Objection.

7 THE COURT: Sustained. I'll sustain this line  
8 of questioning.

9 BY MR. ANTOLLINO:

10 Q Do you think it was unreasonable for Don to take  
11 himself out of that situation and say, I have no interest  
12 in you sexually by saying, Don't worry, I'm not gay?

13 MR. ZABELL: Objection.

14 THE COURT: Sustained as to form and I think he  
15 already commented on that generally.

16 Q It was Don's reasonable choice to mention that he was  
17 gay, in order to take himself out of that scenario,  
18 correct?

19 MR. ZABELL: Objection.

20 Q It was Don's reasonable choice to take himself out of  
21 the equation that suggested that he was heterosexual,  
22 correct?

23 MR. ZABELL: Same objection.

24 THE COURT: Sustained as to all questions  
25 regarding what was going on in Mr. Zarda's mind, okay?

Maynard - Direct/Mr. Antollino

660

1 BY MR. ANTOLLINO:

2 Q Now, sometimes that is the atmosphere when you're up  
3 in the air, people are making jokes like that, correct?

4 We have already established that.

5 A Yes, jokes are made up in the air.

6 Q And if any tandem passenger complained about the  
7 goofy atmosphere, there would be nothing improper about  
8 that, correct?

9 A It would depend on the content and what the exact  
10 complaint was.

11 Q Okay. And you don't believe that this other comment  
12 about being strapped to another guy was in any way  
13 improper, correct?

14 A Correct.

15 Q Now, when you saw Don's jump, when it was played a  
16 couple of days ago, you would have given him an 8 or 9 out  
17 of 10, based on what you saw, correct?

18 A Correct.

19 Q You instruct your instructors to contribute to the  
20 fun of the job and the skydive that these students are  
21 taking, correct?

22 A Correct.

23 Q And you heard Rich Winstock testify that they're  
24 supposed to, quote-unquote, enhance the video, correct?

25 A Correct.

Maynard - Direct/Mr. Antollino

661

1 Q You agree with enhancing the video, correct?

2 A Correct.

3 Q On this particular video, the only thing that was  
4 showing of Don was his face and his hand, correct?

5 A Correct.

6 Q So in his situation, the only way he could enhance  
7 the video was with his face and his hand, correct?

8 A Correct.

9 Q Now, at some point you got annoyed that Don had  
10 applied for unemployment benefits, correct?

11 MR. ZABELL: Objection.

12 THE COURT: We already went through that.

13 MR. ANTOLLINO: All right.

14 BY MR. ANTOLLINO:

15 Q What is the main skydive season?

16 A On Long Island it's about the beginning of April  
17 through the middle of November.

18 Q How much do skydivers make per jump? It's \$40,  
19 correct?

20 A That's correct.

21 Q Now, on a good day, how many jumps would there be?

22 A It would depend on the time of the year and the day  
23 of the week.

24 Q All right. Well, from what to what?

25 A As low as one or two, to as many as 15, depending on

**Maynard - Direct/Mr. Antollino**

662

1 the day of the week and what the time of the season is.

2 Q When it's colder there are fewer customers and when  
3 it's warmer there are more customers --

4 A WELL --

5 Q Let me finish asking the question.

6 When it's colder there are fewer customers and  
7 when it's warmer there are more customers, correct?

8 A Correct.

9 Q And they also get tips, correct?

10 A Yes.

11 Q What would you say would be a good take-home pay for  
12 a tandem skydiver at the end of the summer?

13 MR. ZABELL: Objection.

14 THE COURT: What is the basis?

15 MR. ZABELL: He is asking him to speculate.  
16 There is no limit as to time, this is now, this is then.

17 THE COURT: You should specify.

18 BY MR. ANTOLLINO:

19 Q At the time Mr. Zarda was working there, which was  
20 2011 and 2010, what would be a good take-home pay at the  
21 end of the summer?

22 A I would really have to look at the records in that.  
23 I really don't know.

24 Q Would you say 25,000?

25 A I would have to look at the records and I really

Maynard - Direct/Mr. Antollino

663

1 don't know.

2 Q So you couldn't say whether it was more or less than  
3 25,000?

4 A I answered that, no.

5 Q You couldn't say if it was more or less than 30,000?

6 A I would have to look at the records. I don't know.

7 MR. ANTOLLINO: All right, judge, I think I'm  
8 done. I would just like to approach on one thing.

9 THE COURT: Okay.

10 (Continued on the following page.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**Maynard - Direct/Mr. Antollino**

664

1 (The following occurred at sidebar.)

2 MR. ANTOLLINO: When I talked about  
3 unemployment, you stopped me, you said we've been over  
4 this before. We have only been over it with another  
5 witness. We've been over the Workers' Comp. with this  
6 witness. Are you saying that because we brought it in  
7 with another witness, we don't have to bring it in with  
8 this witness or are you -- were you mistaken that Workers'  
9 Comp. and Unemployment Insurance are the same thing?

10 THE COURT: I'm not sure. You already asked  
11 this witness about if it was part of the discrimination --

12 MR. ANTOLLINO: No, no, that is Workers' Comp.

13 THE COURT: What are you asking him about now?

14 MR. ANTOLLINO: Unemployment Insurance.

15 THE COURT: I was confused. This is on damages.

16 MR. ANTOLLINO: This goes to damages and his  
17 reasons.

18 THE COURT: I misheard. I'm sorry. Okay.

19 MR. ANTOLLINO: Okay. Thank you.

20 (Continued on the following page.)  
21  
22  
23  
24  
25



**Maynard - Direct/Mr. Antollino**

665

1 (The following occurred in open court.)

2 THE COURT: There was a mistake. There were  
3 some questions regarding Unemployment benefits, and I said  
4 we've gone over this. I was thinking of Workman's Comp.

5 So I'm going let him question on Unemployment  
6 benefits because of the issue of damages.

7 Go ahead.

8 MR. ZABELL: I object to your characterization  
9 for the decision being a mistake, judge.

10 THE COURT: Okay, judges can make mistakes.

11 Go ahead.

12 MR. ANTOLLINO: Thank you, judge.

13 BY MR. ANTOLLINO:

14 Q At some point you got a notice that Don had applied  
15 for Unemployment after you fired him.

16 Is that correct?

17 A Correct.

18 Q And you contested Don's Unemployment benefits.

19 Is that correct?

20 A I didn't contest it. I wrote a letter just to give  
21 them -- they wanted more information, I believe, or  
22 something. I think Lauren had gotten the -- that letter  
23 and we discussed it and we sent a letter because they said  
24 if we had any more information about this, we should send  
25 it to them.

**Maynard - Direct/Mr. Antollino**

666

1 I wasn't really sure what all of the  
2 Unemployment laws and stuff were, but I knew that Don  
3 owned a company, and in the year of 2010 which he did  
4 testify he got paid money from, and he was working at that  
5 company the entire time. So I was just letting them know  
6 that while he was applying for Unemployment, and I thought  
7 if you were working somewhere you were not eligible. And  
8 we only sent a letter and told them what we knew.

9 Q But you also told them about the reason why he was  
10 fired, correct?

11 A Lauren wrote that letter. The only thing I saw in  
12 there and what I asked for was that he was fired for a  
13 customer complaint.

14 Q That is right. And Lauren showed you the letter  
15 before she sent it out, correct?

16 A I briefly saw it and asked her if what I said was in  
17 there. And she sent it.

18 Q And you didn't ask her to add anything or take  
19 anything out, did you?

20 A No.

21 MR. ANTOLLINO: No further questions.

22 THE COURT: Okay. We'll continue tomorrow.

23 The schedule I told you still applies. So we'll  
24 complete the testimony and presentation of the evidence  
25 tomorrow and summations will be on Wednesday morning.

Maynard - Direct/Mr. Antollino

667

1 Okay?

2 Don't discuss the case.

3 Have a safe trip home. Good night.

4 (The jury left the courtroom.)

5 THE COURT: Can you come in at 9:15 tomorrow so  
6 we can go over the declaration and the EOC complaint?

7 MR. ZABELL: Yes.

8 MR. ANTOLLINO: Yes, your Honor.

9 (The trial was adjourned at 4:28 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I N D E X

<b>RAYMOND MAYNARD</b>	476
DIRECT EXAMINATION	477
BY MR. ANTOLLINO	
<b>DAVID KENGLE</b>	518
DIRECT EXAMINATION	518
BY MR. CARDINALE	
CROSS-EXAMINATION	539
BY MR. ZABELL	
REDIRECT EXAMINATION	548
BY MR. CARDINALE	
<b>RAYMOND MAYNARD</b>	560
DIRECT EXAMINATION (Continued)	560
BY MR. ANTOLLINO	
<b>WAYNE BURRELL</b>	650
DIRECT EXAMINATION	650
BY MR. ZABELL	650
DIRECT EXAMINATION (Continued)	657
BY MR. ANTOLLINO	

EXHIBITS

Plaintiff Exhibit 7 B in evidence	582
Plaintiff Exhibit 36 in evidence	479
Plaintiff Exhibit 36-A in evidence	491
Plaintiff Exhibit 53 in evidence	496
Plaintiff Exhibit 54 in evidence	524
Plaintiff Exhibit 10, page 24 in evidence.	560
Plaintiff Exhibits Ray's 222, 223, 210 and 211 in evidence.	570

<b>\$</b>	<b>2.3</b> [2] - 570:1, 572:1 <b>2/21/2010</b> [1] - 609:13 <b>20</b> [6] - 473:24, 530:4, 538:21, 566:4, 620:4, 635:18 <b>200</b> [5] - 635:3, 635:4, 635:6, 635:17, 635:18 <b>2001</b> [6] - 589:18, 594:19, 598:19, 624:4, 625:7, 656:22 <b>2009</b> [1] - 600:3 <b>2010</b> [13] - 519:13, 519:23, 520:1, 525:3, 527:13, 536:4, 536:8, 536:15, 549:18, 628:6, 630:2, 662:20, 666:3 <b>2011</b> [5] - 522:15, 551:18, 628:7, 640:14, 662:20 <b>2012</b> [2] - 468:8, 468:13 <b>2015</b> [1] - 465:8 <b>21</b> [3] - 588:15, 588:17, 600:11 <b>210</b> [4] - 569:8, 570:15, 639:1, 668:18 <b>211</b> [3] - 569:9, 570:15, 668:18 <b>222</b> [3] - 569:8, 570:15, 668:18 <b>223</b> [3] - 569:8, 570:15, 668:18 <b>23</b> [1] - 530:21 <b>24</b> [14] - 500:20, 509:25, 560:10, 560:11, 560:12, 560:20, 591:11, 591:22, 613:13, 613:22, 614:3, 651:8, 651:9, 668:17 <b>25</b> [2] - 619:5, 643:3 <b>25,000</b> [2] - 662:24, 663:3 <b>250</b> [4] - 642:25, 643:1, 643:5, 658:7 <b>259</b> [2] - 647:12, 647:14 <b>26</b> [2] - 465:17, 628:6 <b>260</b> [2] - 658:4, 658:8 <b>26th</b> [1] - 627:22 <b>275</b> [1] - 465:15	<b>403</b> [3] - 473:15, 555:11, 559:2 <b>42</b> [1] - 530:20 <b>45</b> [8] - 475:3, 475:5, 475:21, 477:15, 503:6, 515:24, 632:5, 632:7 <b>476</b> [1] - 668:2 <b>477</b> [1] - 668:3 <b>479</b> [1] - 668:15 <b>48</b> [2] - 526:14, 526:15 <b>491</b> [1] - 668:16 <b>496</b> [1] - 668:16 <b>4:28</b> [1] - 667:9 <b>4:30</b> [1] - 649:16	<b>9</b> <b>9</b> [4] - 501:18, 522:15, 551:18, 660:16 <b>9:15</b> [1] - 667:5 <b>9:30</b> [1] - 465:8
<b>1</b>	<b>1</b> [3] - 465:19, 500:20, 509:15 <b>10</b> [8] - 499:22, 560:10, 560:12, 566:4, 577:2, 604:6, 660:17, 668:17 <b>100</b> [1] - 465:23 <b>10001</b> [1] - 465:15 <b>103</b> [1] - 465:19 <b>10:00</b> [1] - 466:1 <b>11</b> [3] - 468:24, 550:14, 628:7 <b>11242</b> [1] - 465:17 <b>11716</b> [1] - 465:20 <b>11722</b> [1] - 465:23 <b>1180</b> [1] - 465:23 <b>12</b> [9] - 561:17, 561:25, 575:15, 575:19, 576:2, 576:6, 596:15, 613:3, 613:11 <b>120</b> [1] - 645:18 <b>125</b> [2] - 596:12, 596:15 <b>12:30</b> [2] - 469:4, 556:23 <b>13</b> [5] - 478:3, 502:1, 521:6, 534:17, 601:13 <b>13-CV-4334</b> [1] - 466:2 <b>133</b> [1] - 598:14 <b>136</b> [1] - 599:13 <b>139</b> [1] - 590:24 <b>140</b> [1] - 592:25 <b>149</b> [1] - 643:3 <b>15</b> [11] - 561:16, 561:25, 562:1, 563:25, 564:2, 577:2, 632:14, 632:18, 639:6, 649:3, 661:25 <b>150</b> [1] - 600:11 <b>151</b> [6] - 600:10, 601:13, 601:25, 602:5, 602:7, 604:8 <b>152</b> [1] - 604:14 <b>16</b> [2] - 471:16, 522:21 <b>17</b> [4] - 526:14, 526:15, 600:19, 601:3 <b>18</b> [8] - 519:13, 519:23, 520:1, 527:13, 536:3, 536:8, 536:15, 549:18 <b>1815</b> [1] - 465:17 <b>18th</b> [1] - 621:19 <b>19</b> [3] - 465:8, 617:17, 619:5 <b>196</b> [1] - 617:17 <b>19th</b> [1] - 621:21 <b>1:30</b> [1] - 557:3	<b>5</b> <b>5</b> [3] - 500:9, 501:10, 539:25 <b>5,000</b> [1] - 507:24 <b>50</b> [1] - 645:19 <b>518</b> [2] - 668:4, 668:5 <b>524</b> [1] - 668:17 <b>53</b> [9] - 496:1, 496:4, 496:6, 524:9, 524:11, 524:13, 524:17, 524:19, 668:16 <b>539</b> [1] - 668:6 <b>54</b> [4] - 524:21, 524:22, 524:23, 668:17 <b>548</b> [1] - 668:7 <b>560</b> [3] - 668:8, 668:9, 668:17 <b>57</b> [1] - 534:15 <b>570</b> [1] - 668:18 <b>582</b> [1] - 668:15	<b>A</b> <b>a.m</b> [2] - 465:8, 466:1 <b>ability</b> [3] - 470:2, 492:12, 604:22 <b>able</b> [11] - 472:21, 492:12, 492:21, 500:22, 514:16, 525:7, 544:22, 567:3, 584:3, 584:13, 611:24 <b>absolutely</b> [3] - 563:12, 563:24, 629:12 <b>accept</b> [4] - 537:19, 554:12, 554:16, 558:13 <b>accepted</b> [3] - 537:17, 554:25, 555:3 <b>access</b> [2] - 584:6, 584:20 <b>accident</b> [4] - 508:5, 600:3, 600:7, 600:8 <b>according</b> [5] - 482:21, 557:23, 558:17, 636:8, 639:21 <b>account</b> [1] - 633:5 <b>accurate</b> [1] - 644:20 <b>accurately</b> [1] - 564:14 <b>accusation</b> [1] - 613:24 <b>acquiesce</b> [1] - 515:1 <b>act</b> [3] - 546:7, 628:16 <b>acted</b> [3] - 542:19, 542:20, 542:21 <b>acting</b> [1] - 565:13 <b>action</b> [4] - 563:3, 628:22, 630:12, 631:6 <b>actions</b> [3] - 620:21, 620:22, 628:19 <b>activity</b> [9] - 477:18, 480:5, 485:17, 494:1, 494:15, 494:19, 565:22, 565:24, 591:9 <b>actual</b> [1] - 512:18 <b>ad</b> [1] - 574:14 <b>adapt</b> [2] - 495:6, 495:8 <b>add</b> [1] - 666:18 <b>added</b> [1] - 538:17 <b>addition</b> [1] - 480:8 <b>address</b> [7] - 471:6, 471:13, 471:22, 473:2, 508:22, 509:2, 595:13 <b>addressed</b> [1] - 472:10 <b>adduced</b> [1] - 529:10 <b>adjective</b> [1] - 527:3 <b>adjourned</b> [1] - 667:9 <b>adjust</b> [4] - 500:8, 507:7, 575:20, 581:1 <b>adjustable</b> [1] - 499:20 <b>adjusted</b> [10] - 499:25, 500:5, 504:5, 521:8, 576:7, 577:16,
<b>2</b>	<b>3</b> <b>3</b> [6] - 494:23, 504:3, 539:23, 592:25, 658:4, 658:8 <b>30</b> [3] - 612:14, 613:6, 620:4 <b>30,000</b> [1] - 663:5 <b>31</b> [1] - 478:3 <b>32</b> [1] - 478:3 <b>36</b> [13] - 478:24, 479:12, 479:13, 488:8, 489:3, 489:5, 489:20, 491:3, 491:7, 520:25, 538:21, 613:6, 668:15 <b>36-A</b> [4] - 491:10, 491:12, 491:13, 668:16 <b>37</b> [1] - 539:21 <b>3:24</b> [1] - 631:23	<b>6</b> <b>6</b> [9] - 626:23, 627:11, 627:24, 633:9, 634:6, 634:17, 647:12, 647:15 <b>6/18/2010</b> [1] - 609:17 <b>6/29</b> [1] - 585:19 <b>6/29/2011</b> [1] - 585:20 <b>60</b> [2] - 472:16, 644:25 <b>62</b> [1] - 588:15 <b>631</b> [1] - 465:24 <b>650</b> [3] - 668:10, 668:10, 668:11 <b>657</b> [1] - 668:12	<b>7</b> <b>7</b> [9] - 513:1, 522:22, 523:13, 582:17, 582:18, 582:21, 582:22, 668:15 <b>705</b> [1] - 465:15 <b>712-6107</b> [1] - 465:24
<b>2</b>	<b>4</b> <b>4</b> [4] - 509:15, 602:7, 604:3, 604:8	<b>8</b> <b>8</b> [6] - 530:4, 550:14, 617:20, 619:2, 620:3, 660:16	
<b>2</b> [6] - 569:14, 569:16, 569:25, 570:12, 599:13, 628:1 <b>2-3</b> [1] - 569:18 <b>2.10</b> [2] - 570:1, 572:6 <b>2.2</b> [2] - 570:1, 571:3			

<p>577:20, 577:22, 578:4, 578:25  <b>adjusting</b> [9] - 507:20, 574:1, 576:12, 642:22, 643:5, 643:11, 643:15, 643:17, 643:20  <b>adjustment</b> [6] - 575:16, 576:3, 576:6, 578:2, 578:8, 579:1  <b>adjustments</b> [10] - 576:10, 576:19, 577:2, 577:4, 577:6, 577:9, 577:12, 578:6, 578:10, 578:20  <b>admissible</b> [2] - 511:18, 630:15  <b>admission</b> [2] - 491:5, 524:11  <b>admit</b> [1] - 634:5  <b>admitted</b> [13] - 479:12, 496:4, 524:13, 524:17, 524:19, 543:17, 560:11, 570:8, 570:13, 582:21, 629:1, 633:19, 634:14  <b>admitting</b> [1] - 479:10  <b>ado</b> [1] - 466:9  <b>adrenaline</b> [4] - 571:8, 571:10, 571:18, 571:23  <b>advantage</b> [1] - 545:23  <b>adverse</b> [3] - 466:8, 516:13, 628:19  <b>advise</b> [1] - 501:8  <b>affect</b> [1] - 588:23  <b>affidavit</b> [7] - 553:1, 553:2, 554:3, 554:15, 554:21, 558:10, 558:22  <b>African</b> [1] - 497:3  <b>AFTERNOON</b> [1] - 560:1  <b>afternoon</b> [3] - 551:18, 559:10, 627:14  <b>ago</b> [8] - 531:17, 531:18, 535:7, 548:20, 552:13, 612:14, 612:20, 660:16  <b>agree</b> [23] - 470:9, 477:18, 478:4, 481:3, 484:24, 487:16, 504:10, 504:25, 506:1, 507:3, 511:23, 512:5, 516:7, 516:8, 521:12, 533:1, 561:12, 564:21, 565:9, 571:23, 578:12, 653:15, 661:1  <b>agreed</b> [5] - 582:6, 615:21, 615:22, 636:9, 636:10  <b>agreeing</b> [1] - 482:2  <b>agrees</b> [1] - 481:8  <b>ah-ha</b> [1] - 529:17  <b>ahead</b> [13] - 477:10, 570:14, 572:22, 573:10, 575:25, 593:18, 596:10, 605:15, 606:11, 621:14, 624:19, 665:7, 665:11  <b>ailments</b> [1] - 492:1  <b>air</b> [6] - 506:17, 506:21, 507:1, 647:23, 660:3, 660:5  <b>aircraft</b> [8] - 495:3, 506:4, 506:5, 561:20, 562:5, 636:25, 637:3, 638:18  <b>airplane</b> [22] - 484:13, 506:25, 545:10, 561:4, 561:5, 561:7,</p>	<p>561:8, 561:9, 562:10, 566:4, 566:6, 574:14, 576:15, 577:3, 578:23, 635:7, 637:5, 638:11, 639:8, 647:2, 647:21, 647:22  <b>allegation</b> [2] - 613:8, 617:13  <b>allow</b> [17] - 472:23, 477:4, 493:11, 514:9, 541:5, 558:22, 558:23, 573:18, 575:23, 578:15, 582:6, 586:6, 597:25, 605:15, 606:7, 606:11, 631:15  <b>allowable</b> [2] - 506:14, 506:24  <b>allowed</b> [1] - 532:19  <b>allowing</b> [1] - 630:5  <b>alludes</b> [1] - 494:23  <b>almost</b> [4] - 503:11, 582:1, 625:9, 649:9  <b>alone</b> [1] - 585:15  <b>aloud</b> [2] - 502:1, 585:13  <b>alright</b> [1] - 501:25  <b>altered</b> [1] - 470:5  <b>ALTITUDE</b> [1] - 465:6  <b>Altitude</b> [1] - 466:3  <b>altogether</b> [2] - 507:10, 546:19  <b>ambush</b> [1] - 471:20  <b>amended</b> [1] - 471:17  <b>American</b> [1] - 497:3  <b>amount</b> [3] - 611:5, 622:6, 622:24  <b>analyzed</b> [1] - 630:16  <b>and-a-half</b> [1] - 622:7  <b>angry</b> [3] - 546:22, 546:23, 615:17  <b>ankle</b> [1] - 608:14  <b>anniversaries</b> [1] - 585:21  <b>annoyed</b> [2] - 546:20, 661:9  <b>anonymous</b> [3] - 627:4, 627:19, 627:20  <b>Answer</b> [42] - 478:7, 522:24, 526:24, 527:1, 527:4, 527:6, 530:10, 530:13, 530:16, 531:1, 534:24, 535:1, 535:3, 539:3, 539:5, 542:5, 550:22, 550:25, 561:20, 591:3, 591:5, 593:4, 593:23, 596:22, 596:24, 597:3, 597:9, 597:11, 599:16, 600:14, 601:7, 601:10, 604:13, 604:18, 620:6, 620:16, 621:1, 639:9, 643:7, 643:14, 647:24, 658:15  <b>answer</b> [62] - 479:17, 493:12, 493:19, 501:7, 505:8, 505:10, 505:13, 523:7, 529:12, 529:22, 539:25, 542:4, 558:15, 558:17, 561:21, 561:23, 562:2, 562:3, 562:8, 575:25, 578:15, 580:9, 580:25, 584:19, 590:2, 591:11, 591:21, 593:25, 596:24, 599:18, 600:16, 604:6, 604:12, 605:16, 606:11, 608:6, 608:21, 611:2, 611:14, 613:10, 614:20, 617:10, 617:19, 621:4, 621:15, 624:14, 624:15, 624:21,</p>	<p>624:22, 632:14, 633:22, 636:4, 638:12, 641:16, 643:9, 647:21, 652:21, 653:5, 655:8, 655:10, 658:14  <b>answered</b> [18] - 493:5, 529:21, 563:5, 575:21, 580:22, 581:2, 581:3, 591:19, 594:20, 604:7, 610:8, 610:11, 610:12, 613:25, 636:2, 639:14, 639:17, 663:4  <b>answering</b> [1] - 601:18  <b>answers</b> [16] - 526:20, 530:18, 534:20, 535:5, 538:25, 539:8, 550:19, 558:25, 591:7, 596:18, 601:16, 604:20, 620:18, 639:18, 648:1, 658:17  <b>anticipating</b> [1] - 515:19  <b>antics</b> [1] - 635:6  <b>Antollino</b> [7] - 469:15, 472:12, 472:13, 476:10, 516:5, 542:2, 584:10  <b>ANTOLLINO</b> [237] - 465:14, 466:7, 466:12, 466:25, 467:3, 467:7, 467:17, 467:23, 470:19, 471:2, 471:11, 473:1, 473:7, 473:14, 473:23, 474:13, 474:20, 474:25, 475:8, 475:20, 475:23, 476:3, 476:12, 477:12, 479:9, 479:14, 484:5, 484:10, 484:11, 488:10, 488:13, 489:2, 489:15, 489:21, 490:2, 491:8, 491:14, 493:7, 494:13, 494:22, 495:25, 496:7, 497:1, 497:20, 501:24, 503:7, 503:11, 504:2, 505:3, 505:14, 508:9, 508:17, 509:13, 509:16, 510:5, 510:7, 510:24, 511:10, 511:23, 512:8, 512:24, 513:1, 513:4, 513:19, 513:22, 514:1, 514:4, 514:6, 514:11, 514:20, 515:8, 516:6, 516:14, 516:23, 517:2, 517:4, 518:2, 518:5, 524:21, 554:2, 554:18, 555:2, 555:7, 555:12, 556:23, 560:9, 560:18, 562:1, 562:4, 562:14, 562:15, 564:4, 564:10, 564:11, 567:16, 567:17, 568:12, 569:3, 569:8, 569:13, 569:18, 569:22, 570:6, 570:10, 570:17, 571:20, 572:23, 573:5, 573:13, 573:19, 574:25, 575:2, 575:4, 577:19, 579:13, 580:24, 581:5, 582:10, 582:14, 582:16, 582:20, 582:23, 584:1, 584:12, 586:7, 587:2, 587:13, 588:2, 588:5, 590:1, 590:3, 592:15, 593:8, 593:20, 594:14, 594:16, 594:23, 596:11, 596:15, 596:16, 597:16, 597:22, 597:25, 598:3, 598:18, 599:9, 600:21, 601:1, 601:4, 601:20, 601:23, 602:3, 602:5, 603:3, 604:2, 608:11, 609:2, 609:9,</p>	<p>610:4, 610:10, 610:12, 610:13, 610:22, 612:23, 613:21, 614:2, 616:16, 617:1, 617:8, 617:22, 618:2, 619:2, 619:5, 619:8, 620:2, 624:13, 624:23, 626:21, 627:8, 627:10, 627:18, 627:20, 628:8, 629:23, 630:7, 630:20, 630:24, 631:16, 631:19, 632:4, 632:12, 632:19, 633:1, 633:19, 634:5, 634:11, 634:16, 634:18, 635:12, 635:18, 635:19, 636:22, 638:5, 640:3, 640:24, 641:8, 644:23, 649:9, 649:13, 651:15, 652:20, 653:3, 655:4, 655:8, 655:24, 656:8, 657:4, 657:13, 659:2, 659:9, 660:1, 661:13, 661:14, 662:18, 663:7, 664:2, 664:12, 664:14, 664:16, 664:19, 665:12, 665:13, 666:21, 667:8, 668:3, 668:9, 668:12  <b>Antollino's</b> [1] - 512:14  <b>apartment</b> [1] - 550:22  <b>apologize</b> [3] - 470:17, 476:8, 594:14  <b>appear</b> [2] - 480:16, 607:6  <b>APPEARANCES</b> [1] - 465:13  <b>Appearances</b> [1] - 466:4  <b>appeared</b> [1] - 470:16  <b>appendage</b> [1] - 488:10  <b>applicable</b> [1] - 554:25  <b>applied</b> [3] - 605:8, 661:10, 665:14  <b>applies</b> [1] - 666:23  <b>apply</b> [1] - 605:12  <b>applying</b> [1] - 666:6  <b>approach</b> [6] - 521:1, 552:21, 553:10, 586:10, 648:4, 663:8  <b>approaching</b> [1] - 571:13  <b>appropriate</b> [3] - 580:17, 596:23, 640:10  <b>appropriateness</b> [1] - 532:22  <b>April</b> [1] - 661:16  <b>arbitrarily</b> [1] - 473:24  <b>area</b> [9] - 483:2, 543:1, 545:15, 561:12, 561:13, 561:19, 562:5, 562:6, 626:1  <b>argue</b> [1] - 554:7  <b>arguing</b> [1] - 514:13  <b>argument</b> [1] - 469:10  <b>argumentative</b> [3] - 612:22, 612:24, 613:20  <b>arm</b> [1] - 513:24  <b>arrives</b> [1] - 479:18  <b>arriving</b> [2] - 476:18, 476:19  <b>ascertain</b> [1] - 565:8  <b>aside</b> [1] - 508:4  <b>aspect</b> [3] - 503:9, 505:5, 567:15  <b>asserted</b> [1] - 557:20  <b>assessment</b> [1] - 506:1</p>
--	--	---	---

<p><b>associate</b> <sup>[1]</sup> - 650:9  <b>ASSOCIATES</b> <sup>[1]</sup> - 465:19  <b>association</b> <sup>[1]</sup> - 491:22  <b>assume</b> <sup>[6]</sup> - 466:9, 513:18, 516:13, 523:2, 572:16  <b>assumed</b> <sup>[1]</sup> - 481:23  <b>assumes</b> <sup>[1]</sup> - 589:23  <b>assuming</b> <sup>[3]</sup> - 597:4, 597:6, 628:21  <b>assumption</b> <sup>[1]</sup> - 555:5  <b>atmosphere</b> <sup>[7]</sup> - 497:7, 635:14, 635:20, 636:7, 636:14, 660:2, 660:7  <b>attach</b> <sup>[4]</sup> - 504:7, 521:10, 575:18, 576:24  <b>attached</b> <sup>[7]</sup> - 510:11, 528:15, 528:17, 529:4, 572:25, 573:8, 577:15  <b>attaching</b> <sup>[1]</sup> - 578:25  <b>attachment</b> <sup>[5]</sup> - 575:10, 575:13, 575:15, 577:8, 577:13  <b>attachments</b> <sup>[3]</sup> - 578:17, 644:2, 644:4  <b>attention</b> <sup>[2]</sup> - 487:23, 519:13  <b>attentive</b> <sup>[1]</sup> - 522:25  <b>attorney</b> <sup>[6]</sup> - 486:16, 501:8, 549:19, 550:9, 583:23, 622:1  <b>attorney's</b> <sup>[2]</sup> - 482:12, 501:19  <b>authentic</b> <sup>[1]</sup> - 511:25  <b>authenticate</b> <sup>[11]</sup> - 468:23, 469:7, 469:17, 469:18, 469:19, 469:21, 470:2, 470:12, 473:21, 474:6, 474:9  <b>authenticated</b> <sup>[2]</sup> - 469:9, 469:11  <b>authentication</b> <sup>[1]</sup> - 629:10  <b>authenticity</b> <sup>[1]</sup> - 511:7  <b>authorize</b> <sup>[2]</sup> - 554:12, 554:16  <b>authorized</b> <sup>[2]</sup> - 554:25, 558:13  <b>automatically</b> <sup>[1]</sup> - 511:18  <b>available</b> <sup>[3]</sup> - 475:20, 514:18, 514:20  <b>Avenue</b> <sup>[1]</sup> - 465:15  <b>avoid</b> <sup>[9]</sup> - 467:4, 495:5, 495:7, 495:8, 498:20, 511:6, 515:16, 646:23, 647:19  <b>avoids</b> <sup>[1]</sup> - 515:15  <b>aware</b> <sup>[13]</sup> - 494:1, 522:7, 542:9, 598:4, 605:5, 605:8, 605:18, 605:25, 608:12, 628:4, 628:21, 629:11, 637:25  <b>awesome</b> <sup>[10]</sup> - 526:10, 526:24, 527:2, 527:3, 527:4, 527:7, 534:2, 566:21, 567:19, 567:20</p>	<p><b>bag</b> <sup>[1]</sup> - 645:21  <b>balance</b> <sup>[2]</sup> - 643:18, 643:21  <b>bar</b> <sup>[1]</sup> - 540:5  <b>Barbara</b> <sup>[1]</sup> - 585:18  <b>bare</b> <sup>[1]</sup> - 649:4  <b>bartender</b> <sup>[1]</sup> - 519:12  <b>base</b> <sup>[4]</sup> - 656:16, 656:17, 656:19, 656:22  <b>based</b> <sup>[12]</sup> - 469:1, 469:19, 500:8, 529:9, 535:23, 538:12, 553:8, 573:14, 606:10, 628:23, 632:5, 660:17  <b>basics</b> <sup>[1]</sup> - 575:24  <b>basing</b> <sup>[1]</sup> - 576:5  <b>basis</b> <sup>[2]</sup> - 471:3, 662:14  <b>became</b> <sup>[1]</sup> - 546:23  <b>become</b> <sup>[2]</sup> - 582:6, 631:13  <b>becoming</b> <sup>[1]</sup> - 546:22  <b>BEFORE</b> <sup>[1]</sup> - 465:11  <b>beginning</b> <sup>[5]</sup> - 539:25, 542:9, 600:19, 617:20, 661:16  <b>behalf</b> <sup>[3]</sup> - 554:13, 554:17, 558:13  <b>behavior</b> <sup>[3]</sup> - 472:22, 532:23, 545:25  <b>behind</b> <sup>[11]</sup> - 468:5, 558:5, 565:13, 565:18, 565:20, 565:22, 565:23, 570:21, 572:14, 636:24, 647:10  <b>below</b> <sup>[2]</sup> - 595:6, 595:10  <b>benefits</b> <sup>[4]</sup> - 661:10, 665:3, 665:6, 665:18  <b>best</b> <sup>[16]</sup> - 468:8, 492:11, 495:6, 495:9, 498:15, 507:20, 562:24, 563:3, 580:14, 581:1, 601:24, 604:22, 604:25, 632:13, 640:16  <b>bet</b> <sup>[2]</sup> - 638:18, 639:12  <b>better</b> <sup>[3]</sup> - 531:18, 560:24, 646:15  <b>between</b> <sup>[7]</sup> - 504:11, 521:12, 528:13, 554:5, 613:23, 622:8, 647:4  <b>beyond</b> <sup>[1]</sup> - 513:23  <b>BIANCO</b> <sup>[1]</sup> - 465:11  <b>big</b> <sup>[1]</sup> - 630:13  <b>bill</b> <sup>[3]</sup> - 466:18, 466:20, 467:2  <b>Bill</b> <sup>[5]</sup> - 482:14, 482:19, 482:21, 483:5, 484:21  <b>binder</b> <sup>[1]</sup> - 489:7  <b>birthday</b> <sup>[9]</sup> - 536:17, 546:25, 547:2, 585:1, 585:6, 585:7, 614:9, 614:14, 614:18  <b>birthdays</b> <sup>[1]</sup> - 614:6  <b>bit</b> <sup>[8]</sup> - 497:22, 499:15, 510:15, 543:25, 577:14, 590:7, 652:3  <b>blame</b> <sup>[1]</sup> - 494:17  <b>blatant</b> <sup>[1]</sup> - 544:7  <b>Board</b> <sup>[1]</sup> - 495:2  <b>body</b> <sup>[8]</sup> - 491:16, 504:8, 521:11, 528:10, 528:11, 528:15, 560:19, 574:2</p>	<p><b>Bohemia</b> <sup>[1]</sup> - 465:20  <b>Booth</b> <sup>[5]</sup> - 482:14, 482:19, 482:21, 483:5, 484:21  <b>booth</b> <sup>[3]</sup> - 483:13, 484:12, 484:15  <b>bother</b> <sup>[1]</sup> - 598:24  <b>bothered</b> <sup>[1]</sup> - 544:8  <b>bothering</b> <sup>[1]</sup> - 498:23  <b>bottom</b> <sup>[1]</sup> - 482:1  <b>bowling</b> <sup>[1]</sup> - 499:21  <b>boyfriend</b> <sup>[4]</sup> - 539:5, 614:11, 642:12, 642:14  <b>brains</b> <sup>[2]</sup> - 521:22, 523:4  <b>break</b> <sup>[17]</sup> - 469:4, 475:24, 509:20, 509:22, 513:3, 556:24, 556:25, 557:1, 557:2, 557:8, 559:6, 627:13, 627:14, 628:12, 628:14, 631:21  <b>breaking</b> <sup>[1]</sup> - 642:14  <b>briefly</b> <sup>[1]</sup> - 666:16  <b>bring</b> <sup>[6]</sup> - 476:4, 501:5, 629:6, 632:22, 655:17, 664:7  <b>broken</b> <sup>[2]</sup> - 608:14, 642:11  <b>Brooklyn</b> <sup>[1]</sup> - 465:17  <b>brought</b> <sup>[5]</sup> - 472:8, 532:16, 533:15, 571:20, 664:6  <b>built</b> <sup>[2]</sup> - 575:11, 592:5  <b>bunch</b> <sup>[2]</sup> - 478:5, 637:14  <b>BURRELL</b> <sup>[2]</sup> - 650:13, 668:10  <b>Burrell</b> <sup>[5]</sup> - 472:9, 650:9, 650:11, 650:18, 650:22  <b>business</b> <sup>[28]</sup> - 474:9, 489:17, 512:3, 512:5, 512:11, 514:8, 581:9, 581:15, 581:21, 581:22, 581:24, 582:1, 582:24, 583:2, 583:5, 583:7, 583:8, 583:13, 583:15, 583:16, 584:5, 592:4, 615:15, 629:7, 630:11, 630:12, 630:16, 651:1  <b>busted</b> <sup>[1]</sup> - 598:5  <b>busy</b> <sup>[1]</sup> - 626:16  <b>BY</b> <sup>[99]</sup> - 465:20, 477:12, 479:14, 484:11, 491:14, 493:7, 494:13, 494:22, 496:7, 497:1, 497:20, 501:24, 504:2, 505:3, 505:14, 508:9, 508:17, 519:2, 525:1, 539:17, 548:17, 560:18, 562:4, 562:15, 564:11, 567:17, 568:12, 570:17, 572:23, 573:5, 575:4, 577:19, 579:13, 580:24, 581:5, 582:10, 582:23, 584:1, 584:12, 586:7, 588:5, 590:3, 593:20, 594:16, 594:23, 596:11, 596:16, 597:16, 597:22, 598:3, 598:18, 599:9, 601:4, 604:2, 608:11, 609:2, 609:9, 610:4, 610:13, 610:22, 613:21, 614:2, 616:16, 617:1, 617:22, 620:2, 624:13, 624:23, 626:21, 633:1, 634:18, 635:12, 635:19, 636:22, 638:5, 640:3,</p>	<p>641:8, 644:23, 650:21, 651:17, 653:6, 655:6, 655:16, 656:2, 656:11, 657:13, 659:2, 659:9, 660:1, 661:14, 662:18, 665:13, 668:3, 668:5, 668:6, 668:7, 668:9, 668:11, 668:12</p> <p style="text-align: center;"><b>C</b></p> <p><b>cab</b> <sup>[2]</sup> - 561:20, 562:5  <b>calm</b> <sup>[1]</sup> - 579:18  <b>camel</b> <sup>[7]</sup> - 467:9, 468:6, 468:9, 468:16, 469:23, 473:11, 473:14  <b>camera</b> <sup>[8]</sup> - 468:5, 497:11, 526:3, 530:13, 530:15, 544:21, 638:1, 638:9  <b>cannot</b> <sup>[3]</sup> - 493:3, 501:7, 504:23  <b>canopy</b> <sup>[8]</sup> - 590:10, 615:1, 644:16, 645:8, 645:14, 645:23, 646:4, 647:6  <b>capacity</b> <sup>[1]</sup> - 538:17  <b>car</b> <sup>[1]</sup> - 475:2  <b>Cardinale</b> <sup>[3]</sup> - 516:7, 516:9, 539:22  <b>CARDINALE</b> <sup>[23]</sup> - 465:16, 518:16, 519:2, 523:11, 523:15, 524:7, 524:15, 525:1, 539:13, 540:1, 540:3, 543:6, 547:5, 547:15, 548:4, 548:17, 552:21, 553:6, 554:10, 556:17, 559:9, 668:5, 668:7  <b>care</b> <sup>[1]</sup> - 545:6  <b>carefully</b> <sup>[1]</sup> - 515:16  <b>carpentry</b> <sup>[2]</sup> - 651:2, 652:4  <b>case</b> <sup>[18]</sup> - 469:5, 477:6, 477:7, 495:12, 511:19, 512:18, 522:5, 522:14, 557:4, 557:16, 558:16, 559:5, 580:20, 595:3, 605:4, 606:8, 627:14, 667:2  <b>cases</b> <sup>[1]</sup> - 508:10  <b>cast</b> <sup>[7]</sup> - 608:1, 608:4, 608:7, 608:12, 608:20, 608:22, 609:7  <b>catch</b> <sup>[1]</sup> - 551:21  <b>category</b> <sup>[1]</sup> - 631:10  <b>caught</b> <sup>[1]</sup> - 598:5  <b>caused</b> <sup>[4]</sup> - 558:8, 571:18, 600:13, 601:9  <b>celebrate</b> <sup>[1]</sup> - 614:6  <b>celebrating</b> <sup>[1]</sup> - 614:9  <b>cell</b> <sup>[1]</sup> - 475:12  <b>center</b> <sup>[1]</sup> - 501:5  <b>Central</b> <sup>[2]</sup> - 465:5, 465:23  <b>certain</b> <sup>[1]</sup> - 512:5  <b>certainly</b> <sup>[3]</sup> - 474:8, 513:11, 629:3  <b>certificate</b> <sup>[1]</sup> - 500:18  <b>certification</b> <sup>[2]</sup> - 487:24, 489:12  <b>certify</b> <sup>[1]</sup> - 491:25  <b>chance</b> <sup>[4]</sup> - 507:10, 510:22,</p>
<p style="text-align: center;"><b>B</b></p> <p><b>B-U-R-R-E-L-L</b> <sup>[1]</sup> - 650:18  <b>background</b> <sup>[5]</sup> - 497:10, 515:6, 547:17, 548:6, 558:8  <b>bad</b> <sup>[1]</sup> - 539:24</p>			



<p>536:24, 537:1  <b>change</b> [1] - 506:18  <b>changed</b> [6] - 506:15, 506:24, 554:18, 623:10, 623:12, 623:13  <b>changes</b> [3] - 554:14, 555:8, 626:8  <b>changing</b> [1] - 554:4  <b>characterization</b> [2] - 610:7, 665:8  <b>characterize</b> [2] - 635:1, 636:7  <b>charge</b> [2] - 535:12, 535:14  <b>chat</b> [1] - 651:24  <b>check</b> [8] - 537:21, 537:24, 622:4, 622:5, 622:23, 622:25, 623:10, 644:1  <b>checks</b> [1] - 622:22  <b>childlike</b> [1] - 636:17  <b>children</b> [2] - 640:6, 641:2  <b>chin</b> [3] - 546:12, 646:21, 647:18  <b>chit</b> [1] - 651:24  <b>chit-chat</b> [1] - 651:24  <b>choice</b> [2] - 659:16, 659:20  <b>chooses</b> [2] - 494:18, 572:24  <b>chose</b> [1] - 468:12  <b>chosen</b> [1] - 473:24  <b>choses</b> [1] - 573:25  <b>chute</b> [2] - 645:17, 645:18  <b>circumstances</b> [3] - 514:25, 558:23, 640:11  <b>claim</b> [2] - 606:8, 606:10  <b>claiming</b> [1] - 588:11  <b>clarifies</b> [1] - 558:11  <b>clarify</b> [5] - 592:15, 601:20, 601:21, 601:22, 601:23  <b>clear</b> [8] - 478:10, 488:12, 488:13, 488:14, 489:23, 564:8, 627:5, 627:8  <b>clearly</b> [1] - 471:7  <b>CLERK</b> [4] - 466:2, 476:24, 518:17, 518:21  <b>client</b> [6] - 468:21, 469:15, 473:9, 514:15, 514:24, 587:17  <b>clients</b> [1] - 505:21  <b>clip</b> [1] - 524:25  <b>close</b> [16] - 498:1, 498:3, 498:6, 504:8, 520:5, 520:20, 521:11, 528:8, 534:22, 563:10, 563:12, 563:18, 564:14, 585:16, 610:24, 637:6  <b>closely</b> [6] - 562:10, 562:13, 562:16, 566:23, 572:25, 600:18  <b>closeness</b> [1] - 503:3  <b>closest</b> [1] - 647:3  <b>co</b> [2] - 508:20, 654:20  <b>co-workers</b> [2] - 508:20, 654:20  <b>coffee</b> [1] - 514:3  <b>colder</b> [2] - 662:2, 662:6  <b>collateral</b> [3] - 558:14, 558:24, 559:4  <b>collectively</b> [1] - 582:18</p>	<p><b>colloquy</b> [3] - 601:19, 602:1, 602:3  <b>comfort</b> [6] - 507:8, 577:23, 578:13, 643:21, 646:11, 646:13  <b>comfortable</b> [3] - 498:16, 578:2, 578:3  <b>coming</b> [17] - 467:11, 467:13, 469:4, 469:8, 471:8, 473:15, 473:17, 485:6, 489:17, 489:19, 489:24, 551:6, 581:23, 608:5, 608:21, 608:22, 609:7  <b>command</b> [1] - 623:20  <b>comment</b> [19] - 469:24, 514:6, 529:18, 531:9, 535:21, 582:4, 583:2, 585:12, 616:14, 629:16, 639:23, 641:4, 641:5, 657:16, 657:21, 658:12, 659:3, 660:11  <b>commented</b> [1] - 659:15  <b>comments</b> [8] - 511:3, 512:9, 512:12, 512:14, 557:22, 583:17, 594:13, 654:23  <b>common</b> [1] - 652:1  <b>Comp</b> [5] - 606:24, 664:5, 664:9, 664:12, 665:4  <b>company</b> [5] - 474:6, 474:7, 651:3, 666:3, 666:5  <b>company's</b> [1] - 512:24  <b>comparison</b> [1] - 498:11  <b>Compensation</b> [8] - 605:4, 605:9, 605:12, 605:19, 606:1, 606:5, 606:9, 606:14  <b>competent</b> [1] - 652:7  <b>complain</b> [22] - 535:8, 535:12, 535:15, 536:9, 536:12, 536:16, 536:18, 536:20, 536:22, 537:24, 542:13, 542:14, 544:9, 544:24, 558:3, 558:9, 564:24, 609:23, 609:24, 610:5, 625:24  <b>complained</b> [31] - 512:19, 536:13, 536:15, 536:24, 537:6, 544:1, 544:3, 544:8, 544:14, 547:18, 562:23, 573:16, 580:6, 586:8, 588:6, 592:4, 592:9, 592:10, 594:4, 594:19, 609:25, 625:25, 626:1, 626:2, 640:20, 640:22, 640:23, 641:1, 660:6  <b>complaining</b> [6] - 468:14, 470:4, 537:4, 574:1, 626:10, 626:15  <b>complains</b> [2] - 572:25, 592:8  <b>complaint</b> [47] - 467:25, 470:3, 516:15, 537:2, 538:12, 538:18, 542:17, 546:2, 546:3, 547:16, 557:16, 557:18, 558:4, 558:5, 563:2, 573:1, 573:6, 573:22, 573:23, 574:3, 587:7, 588:10, 588:20, 588:22, 589:1, 592:11, 592:12, 592:16, 595:14, 610:19, 611:24, 613:16, 613:17, 620:6, 621:7, 625:18, 625:19, 625:20, 628:9, 628:10,</p>	<p>628:23, 633:12, 634:1, 643:13, 660:10, 666:13, 667:6  <b>complaints</b> [20] - 549:15, 556:12, 586:1, 587:3, 587:12, 587:18, 590:7, 594:3, 595:5, 615:13, 625:21, 627:1, 627:6, 628:3, 628:5, 628:15, 628:17, 628:18, 633:6, 633:10  <b>complete</b> [1] - 666:24  <b>completely</b> [5] - 499:20, 506:24, 514:18, 558:14, 558:24  <b>completeness</b> [2] - 541:6, 600:24  <b>compliment</b> [1] - 560:21  <b>complimenting</b> [1] - 510:18  <b>Computer</b> [1] - 465:25  <b>computers</b> [1] - 584:6  <b>concerned</b> [4] - 470:6, 474:21, 511:15, 532:5  <b>conclude</b> [1] - 506:23  <b>condensed</b> [1] - 541:2  <b>conduit</b> [1] - 557:14  <b>conference</b> [2] - 541:8, 555:13  <b>confined</b> [3] - 561:13, 561:14, 561:19  <b>confronted</b> [2] - 613:7, 613:16  <b>confused</b> [1] - 664:15  <b>confusion</b> [1] - 559:4  <b>congratulations</b> [1] - 585:23  <b>connected</b> [3] - 481:5, 493:17, 583:14  <b>connection</b> [1] - 554:5  <b>consented</b> [2] - 520:16, 520:19  <b>consider</b> [4] - 528:4, 533:2, 535:21, 561:13  <b>considered</b> [1] - 642:13  <b>consistent</b> [2] - 593:6, 593:9  <b>construction</b> [1] - 652:2  <b>consult</b> [3] - 486:16, 501:8, 516:6  <b>contact</b> [8] - 504:10, 521:12, 545:21, 545:22, 563:10, 623:15, 623:22, 656:12  <b>container</b> [1] - 645:21  <b>contemplated</b> [1] - 500:10  <b>content</b> [1] - 660:9  <b>contention</b> [1] - 470:24  <b>contest</b> [1] - 665:20  <b>contested</b> [1] - 665:18  <b>context</b> [1] - 637:19  <b>continue</b> [2] - 560:4, 666:22  <b>Continued</b> [23] - 488:25, 490:3, 502:7, 503:13, 517:7, 540:8, 541:9, 553:13, 555:14, 560:17, 586:11, 587:23, 602:9, 603:5, 618:6, 619:13, 648:6, 649:18, 657:12, 663:10, 664:20, 668:9, 668:12  <b>continued</b> [1] - 560:25  <b>continues</b> [3] - 585:15, 646:1  <b>contradict</b> [1] - 468:17</p>	<p><b>contribute</b> [1] - 660:19  <b>control</b> [2] - 607:8, 626:9  <b>conversation</b> [8] - 538:12, 546:21, 556:10, 590:14, 609:6, 615:11, 625:1, 626:12  <b>convey</b> [1] - 557:22  <b>copies</b> [4] - 570:5, 570:6, 570:9, 570:11  <b>copy</b> [2] - 619:10, 639:4  <b>cord</b> [1] - 645:20  <b>Corporate</b> [1] - 465:19  <b>correct</b> [491] - 477:17, 477:21, 478:18, 479:4, 479:22, 479:23, 479:25, 480:6, 480:7, 480:10, 480:11, 480:17, 480:18, 480:20, 480:21, 480:23, 480:24, 480:25, 481:1, 481:6, 481:7, 481:10, 481:11, 481:13, 481:20, 481:21, 482:3, 482:4, 482:6, 482:7, 482:9, 482:10, 482:12, 482:13, 482:15, 482:16, 482:19, 482:20, 482:22, 482:23, 483:3, 483:4, 483:7, 483:8, 483:11, 483:12, 483:15, 483:16, 483:20, 483:21, 483:24, 483:25, 484:13, 484:14, 484:16, 484:17, 484:19, 484:20, 484:22, 484:23, 485:1, 485:4, 485:5, 485:7, 485:8, 485:9, 485:12, 485:13, 485:14, 485:15, 485:17, 485:18, 485:19, 485:20, 485:21, 485:22, 485:24, 486:2, 486:3, 486:8, 486:9, 486:16, 486:17, 486:19, 486:20, 486:21, 486:22, 486:25, 487:4, 487:7, 487:10, 487:11, 487:13, 487:20, 488:5, 488:16, 491:19, 492:1, 492:2, 492:4, 492:5, 492:15, 492:23, 493:4, 493:16, 493:17, 493:21, 493:23, 493:24, 494:2, 494:3, 494:5, 494:6, 494:9, 494:19, 494:24, 494:25, 495:3, 495:4, 495:10, 495:14, 495:17, 495:20, 495:21, 496:16, 497:11, 497:12, 497:14, 497:15, 497:16, 497:17, 498:17, 498:18, 498:20, 498:21, 498:24, 498:25, 499:2, 499:6, 499:7, 499:12, 499:16, 499:22, 499:23, 499:25, 500:6, 500:10, 500:11, 500:15, 500:16, 500:18, 500:19, 500:20, 500:21, 500:24, 500:25, 501:2, 501:3, 501:5, 501:6, 501:8, 501:9, 501:12, 501:13, 501:16, 501:17, 501:20, 504:13, 504:14, 504:15, 504:16, 504:18, 504:19, 504:21, 504:22, 505:9, 505:16, 505:17,</p>
---	---	--	--



<p>505:19, 505:20, 505:23, 506:9, 506:10, 507:1, 507:2, 507:8, 507:9, 507:11, 507:12, 507:14, 507:17, 507:18, 507:21, 507:22, 507:24, 508:2, 508:5, 508:18, 508:19, 508:20, 508:21, 509:1, 515:13, 518:3, 520:2, 520:6, 520:7, 520:14, 522:12, 523:15, 523:23, 527:14, 532:6, 532:10, 536:11, 537:12, 537:14, 558:19, 562:8, 562:9, 562:11, 562:17, 562:18, 562:20, 562:21, 562:25, 563:4, 563:7, 563:16, 563:23, 565:1, 565:3, 565:19, 565:20, 565:22, 566:10, 566:14, 566:21, 567:6, 567:12, 567:20, 567:21, 567:23, 567:24, 568:1, 568:19, 568:22, 570:21, 571:1, 571:4, 571:24, 572:3, 572:8, 572:14, 573:23, 574:11, 574:17, 575:7, 575:11, 575:14, 575:16, 575:17, 575:20, 576:23, 577:4, 577:10, 577:20, 577:23, 577:24, 578:3, 578:10, 578:11, 578:13, 578:18, 578:19, 578:21, 579:4, 579:5, 579:6, 579:10, 579:16, 579:17, 579:19, 579:20, 579:25, 580:5, 580:11, 580:14, 581:7, 581:9, 581:10, 581:12, 582:25, 583:1, 583:4, 583:17, 584:25, 585:2, 585:7, 585:9, 586:2, 588:7, 588:24, 588:25, 589:2, 589:4, 589:7, 589:8, 589:10, 589:11, 589:13, 589:14, 590:1, 590:6, 590:9, 591:10, 591:14, 592:13, 592:20, 593:3, 593:22, 594:3, 594:19, 595:1, 595:4, 595:7, 595:10, 595:14, 595:17, 595:21, 595:22, 597:19, 598:6, 598:11, 598:20, 599:5, 599:21, 599:23, 599:24, 600:7, 604:17, 605:9, 605:13, 605:19, 606:2, 606:3, 606:5, 606:15, 606:16, 606:19, 606:22, 607:2, 607:17, 607:24, 608:23, 609:14, 609:15, 609:17, 609:18, 609:19, 609:20, 609:21, 610:1, 610:19, 611:24, 612:7, 612:20, 613:8, 613:13, 613:14, 613:18, 613:24, 614:18, 615:23, 615:25, 616:3, 621:7, 621:10, 622:16, 622:19, 623:9, 623:16, 623:20, 623:23, 624:3, 624:9, 625:5, 625:12, 625:23, 626:4, 627:2, 627:6, 632:1, 633:6, 633:13, 634:21, 634:22, 635:22, 635:25, 636:4, 636:8, 636:11, 636:18, 636:25, 637:3, 637:7, 637:12, 637:19, 637:20, 637:23, 637:24, 638:6, 638:9,</p>	<p>638:15, 638:20, 638:23, 639:18, 639:21, 639:22, 640:8, 640:11, 640:15, 640:17, 640:19, 640:21, 641:5, 641:14, 641:18, 642:5, 642:6, 642:23, 643:6, 643:13, 643:14, 643:15, 643:23, 643:24, 644:2, 644:3, 644:5, 644:6, 644:7, 644:8, 644:11, 644:12, 644:14, 644:15, 645:2, 645:6, 645:7, 645:10, 645:12, 645:25, 646:5, 646:8, 646:10, 646:13, 646:24, 657:18, 658:1, 659:5, 659:18, 659:22, 660:3, 660:8, 660:13, 660:14, 660:17, 660:18, 660:21, 660:22, 660:24, 660:25, 661:1, 661:2, 661:4, 661:5, 661:7, 661:8, 661:10, 661:19, 661:20, 662:7, 662:8, 662:9, 665:16, 665:17, 665:19, 666:10, 666:15</p> <p><b>corrected</b> [1] - 554:13</p> <p><b>corrective</b> [1] - 595:13</p> <p><b>counsel</b> [9] - 466:17, 466:22, 467:15, 469:12, 469:21, 475:1, 510:3, 511:15, 516:6</p> <p><b>counsel's</b> [1] - 489:7</p> <p><b>counseling</b> [7] - 595:12, 595:15, 595:16, 595:17, 595:18, 595:19</p> <p><b>county</b> [1] - 519:7</p> <p><b>County</b> [1] - 519:8</p> <p><b>couple</b> [12] - 466:7, 482:24, 513:22, 513:23, 525:4, 525:5, 556:5, 556:6, 556:7, 566:3, 587:3, 660:16</p> <p><b>couples</b> [1] - 614:6</p> <p><b>course</b> [6] - 546:23, 563:3, 580:20, 629:13, 630:11, 630:15</p> <p><b>COURT</b> [294] - 465:1, 465:11, 466:5, 466:11, 466:24, 467:2, 467:4, 467:10, 467:21, 470:3, 470:8, 470:18, 470:22, 471:9, 471:24, 472:23, 473:3, 473:13, 473:15, 474:3, 474:5, 474:11, 474:16, 474:24, 475:4, 475:11, 475:14, 475:19, 476:1, 476:4, 476:6, 476:15, 477:2, 479:8, 479:12, 484:7, 488:12, 488:24, 489:9, 489:14, 489:16, 489:23, 491:2, 491:11, 493:6, 493:11, 493:14, 493:19, 494:11, 494:21, 496:2, 496:4, 496:18, 501:22, 502:4, 502:6, 503:5, 503:9, 505:2, 505:8, 505:12, 508:7, 508:13, 509:10, 509:20, 509:24, 510:6, 510:9, 510:21, 511:8, 511:12, 511:19, 512:4, 512:22, 512:25, 513:2, 513:7, 513:20, 513:23, 514:2, 514:5, 514:9, 514:23, 515:4, 515:17, 516:4, 516:11, 516:16, 516:19, 517:1, 517:3, 517:6, 518:1,</p>	<p>518:8, 518:11, 518:24, 523:10, 524:10, 524:13, 524:18, 524:22, 529:8, 529:12, 529:22, 539:15, 540:2, 540:5, 541:3, 541:5, 543:8, 543:18, 547:6, 547:9, 547:19, 547:22, 548:5, 548:15, 549:17, 552:23, 553:10, 554:24, 555:4, 555:10, 556:18, 556:20, 557:1, 557:7, 560:4, 560:11, 562:2, 563:6, 564:1, 564:8, 567:8, 567:14, 568:10, 569:11, 570:3, 570:8, 570:13, 571:17, 571:22, 572:21, 573:4, 573:10, 573:18, 574:19, 574:24, 575:1, 575:9, 575:23, 577:18, 578:15, 579:12, 580:23, 581:3, 582:9, 582:12, 582:15, 582:19, 582:21, 583:21, 584:8, 584:18, 586:4, 586:6, 586:10, 587:5, 587:11, 587:17, 588:10, 589:22, 589:24, 590:2, 591:17, 591:20, 592:18, 593:10, 594:11, 594:21, 596:10, 596:14, 597:14, 597:21, 598:2, 598:17, 599:8, 600:23, 601:22, 602:4, 602:8, 603:2, 605:7, 605:15, 606:7, 608:10, 608:25, 609:5, 610:3, 610:9, 610:11, 610:17, 610:21, 611:2, 611:14, 611:19, 612:1, 612:22, 612:24, 613:10, 613:20, 614:1, 614:20, 616:9, 616:24, 617:6, 617:10, 617:21, 618:5, 619:4, 619:6, 619:12, 621:14, 624:12, 624:15, 624:19, 626:20, 627:13, 627:16, 627:19, 627:23, 627:25, 628:2, 628:12, 629:3, 629:9, 629:14, 629:20, 629:24, 630:3, 630:10, 630:23, 631:2, 631:13, 631:17, 631:20, 631:25, 632:7, 632:17, 632:22, 632:24, 633:21, 634:7, 634:14, 636:20, 638:4, 639:3, 640:2, 641:7, 641:16, 644:22, 648:5, 649:11, 649:15, 650:2, 650:11, 650:16, 650:19, 651:16, 652:21, 653:4, 655:5, 655:10, 655:12, 655:25, 656:10, 657:3, 657:6, 659:1, 659:7, 659:14, 659:24, 661:12, 662:14, 662:17, 663:9, 664:10, 664:13, 664:15, 664:18, 665:2, 665:10, 666:22, 667:5</p> <p><b>court</b> [13] - 491:1, 504:1, 542:1, 556:1, 556:2, 556:8, 573:19, 588:1, 604:1, 620:1, 624:20, 650:1, 665:1</p> <p><b>Court</b> [3] - 465:17, 465:22, 469:23</p> <p><b>Courthouse</b> [1] - 465:5</p> <p><b>courtroom</b> [8] - 476:5, 509:23,</p>	<p>518:10, 557:6, 560:2, 627:15, 632:23, 667:4</p> <p><b>covered</b> [2] - 632:9, 632:10</p> <p><b>covering</b> [1] - 620:12</p> <p><b>coworkers</b> [2] - 597:17</p> <p><b>crashed</b> [1] - 494:8</p> <p><b>crazies</b> [1] - 478:6</p> <p><b>crazy</b> [4] - 477:24, 478:6, 478:10, 514:7</p> <p><b>created</b> [1] - 532:24</p> <p><b>credibility</b> [1] - 558:21</p> <p><b>credit</b> [2] - 507:24, 628:23</p> <p><b>credited</b> [2] - 617:12, 617:13</p> <p><b>creepy</b> [3] - 468:15, 589:13, 589:15</p> <p><b>critical</b> [1] - 557:16</p> <p><b>cross</b> [8] - 477:4, 477:8, 514:24, 539:15, 543:8, 557:9, 580:15, 657:3</p> <p><b>CROSS</b> [2] - 539:16, 668:6</p> <p><b>cross-examination</b> [3] - 539:15, 543:8, 657:3</p> <p><b>CROSS-EXAMINATION</b> [2] - 539:16, 668:6</p> <p><b>cross-examine</b> [2] - 477:4, 514:24</p> <p><b>crutches</b> [2] - 608:1, 608:4</p> <p><b>cry</b> [1] - 591:2</p> <p><b>crying</b> [3] - 589:19, 590:21</p> <p><b>cumulative</b> [1] - 513:18</p> <p><b>Curt</b> [5] - 471:22, 472:2, 472:7, 472:10, 598:21</p> <p><b>custom</b> [1] - 651:2</p> <p><b>customer</b> [28] - 469:13, 469:24, 470:3, 479:18, 479:24, 480:9, 481:2, 481:6, 481:8, 481:19, 485:3, 485:9, 498:3, 498:12, 498:14, 498:16, 498:22, 499:5, 499:8, 500:4, 500:6, 592:5, 592:8, 595:14, 615:15, 633:6, 640:5, 666:13</p> <p><b>customers</b> [30] - 480:13, 482:8, 486:14, 494:14, 496:21, 504:12, 512:12, 562:11, 581:22, 592:4, 592:20, 593:2, 593:22, 595:5, 595:20, 595:24, 596:5, 597:19, 599:11, 608:4, 614:3, 615:13, 625:14, 627:16, 636:15, 643:19, 662:2, 662:3, 662:6, 662:7</p> <p><b>cut</b> [1] - 632:12</p> <p><b>cV-10-4334</b> [1] - 465:4</p>
<b>D</b>			
<p><b>d/b/a</b> [1] - 465:6</p> <p><b>damages</b> [3] - 664:15, 664:16, 665:6</p> <p><b>dancing</b> [1] - 585:16</p> <p><b>danger</b> [5] - 495:8, 498:19, 499:12, 533:1, 559:3</p>			

<p><b>dangerous</b> [5] - 480:20, 485:21, 493:25, 494:15, 494:18</p> <p><b>date</b> [3] - 519:14, 641:11, 641:21</p> <p><b>David</b> [8] - 467:7, 479:3, 488:15, 518:16, 518:23, 566:10, 572:7, 609:13</p> <p><b>DAVID</b> [2] - 518:18, 668:4</p> <p><b>days</b> [9] - 558:3, 609:16, 609:19, 610:5, 612:18, 612:20, 613:5, 613:17, 660:16</p> <p><b>dead</b> [1] - 487:9</p> <p><b>deal</b> [1] - 595:20</p> <p><b>deaths</b> [2] - 494:4, 508:4</p> <p><b>decide</b> [4] - 593:9, 593:16, 593:17, 628:21</p> <p><b>decision</b> [5] - 470:13, 470:25, 630:12, 630:16, 665:9</p> <p><b>declaration</b> [4] - 510:2, 510:12, 667:6</p> <p><b>declarations</b> [1] - 510:10</p> <p><b>deem</b> [2] - 491:12, 495:25</p> <p><b>defendant</b> [1] - 627:24</p> <p><b>Defendant</b> [1] - 478:23</p> <p><b>Defendants</b> [2] - 465:8, 465:19</p> <p><b>Defendants'</b> [4] - 509:3, 511:6, 552:20, 553:6</p> <p><b>defendants'</b> [5] - 489:3, 491:8, 491:9, 510:1</p> <p><b>defending</b> [1] - 501:19</p> <p><b>defense</b> [2] - 477:7, 477:8</p> <p><b>define</b> [1] - 585:3</p> <p><b>definitely</b> [6] - 473:17, 531:1, 531:5, 531:16, 531:21, 544:8</p> <p><b>delay</b> [1] - 558:5</p> <p><b>demands</b> [1] - 510:13</p> <p><b>demonstration</b> [1] - 565:25</p> <p><b>dependent</b> [1] - 615:15</p> <p><b>deploy</b> [1] - 645:15</p> <p><b>deployed</b> [1] - 645:9</p> <p><b>deployment</b> [1] - 645:21</p> <p><b>deposed</b> [1] - 508:1</p> <p><b>deposition</b> [90] - 467:20, 472:4, 478:2, 478:8, 510:25, 511:1, 511:16, 511:21, 516:12, 522:4, 522:10, 522:14, 522:21, 523:7, 523:9, 523:12, 526:13, 526:19, 527:9, 530:1, 530:18, 530:20, 531:15, 531:20, 534:14, 538:19, 538:25, 539:18, 548:21, 548:24, 548:25, 549:20, 549:21, 549:24, 550:12, 551:4, 551:18, 551:24, 551:25, 552:16, 554:3, 554:4, 554:11, 554:13, 556:15, 558:12, 561:15, 567:25, 569:4, 569:6, 569:8, 569:14, 569:16, 569:25, 570:12, 571:3, 572:5, 576:5, 588:12, 590:24, 591:10, 591:25, 592:24, 593:7, 593:12, 593:13, 599:25, 600:10,</p>	<p>617:17, 628:3, 629:23, 630:8, 630:9, 630:10, 630:14, 630:18, 630:22, 631:1, 631:3, 631:5, 635:3, 635:24, 635:25, 638:25, 639:3, 640:13, 642:25, 647:12, 658:3</p> <p><b>describe</b> [5] - 527:3, 544:18, 545:25, 583:23, 635:6</p> <p><b>described</b> [7] - 505:24, 521:25, 522:10, 533:7, 583:15, 614:5, 614:13</p> <p><b>detail</b> [3] - 549:5, 549:10, 549:12</p> <p><b>details</b> [8] - 538:15, 549:2, 549:6, 549:7, 549:9, 549:13, 549:15, 551:22</p> <p><b>deteriorating</b> [1] - 512:16</p> <p><b>died</b> [3] - 494:1, 507:23, 507:25</p> <p><b>difference</b> [3] - 489:9, 513:12, 630:13</p> <p><b>different</b> [9] - 500:7, 508:16, 514:14, 533:16, 548:9, 568:24, 577:14, 614:6, 627:18</p> <p><b>differently</b> [3] - 655:1, 655:13, 655:15</p> <p><b>DIRECT</b> [10] - 477:11, 519:1, 560:17, 650:20, 657:12, 668:3, 668:5, 668:9, 668:11, 668:12</p> <p><b>direct</b> [5] - 477:5, 519:13, 558:1, 558:7, 560:5</p> <p><b>directing</b> [1] - 487:23</p> <p><b>directly</b> [2] - 594:4, 647:10</p> <p><b>Directors</b> [1] - 495:2</p> <p><b>disagree</b> [1] - 578:22</p> <p><b>discipline</b> [2] - 594:24, 595:4</p> <p><b>disclosed</b> [1] - 469:14</p> <p><b>disclosure</b> [1] - 514:13</p> <p><b>disclosures</b> [3] - 471:13, 471:15, 471:18</p> <p><b>discovery</b> [4] - 467:15, 471:7, 472:3, 511:17</p> <p><b>discriminate</b> [2] - 605:18, 605:25</p> <p><b>discrimination</b> [1] - 664:11</p> <p><b>discuss</b> [8] - 466:6, 527:24, 528:1, 528:2, 557:4, 620:4, 627:14, 667:2</p> <p><b>discussed</b> [11] - 538:2, 538:3, 538:6, 538:8, 538:10, 546:14, 556:12, 582:12, 582:14, 620:6, 665:23</p> <p><b>discussing</b> [2] - 545:13, 549:23</p> <p><b>discussion</b> [5] - 545:11, 611:20, 612:2, 612:3, 656:15</p> <p><b>disorder</b> [2] - 492:23, 493:1</p> <p><b>disorders</b> [3] - 492:4, 492:15, 492:17</p> <p><b>disregard</b> [7] - 568:10, 583:22, 584:9, 594:12, 597:15, 616:10, 616:24</p> <p><b>disrupt</b> [1] - 585:15</p>	<p><b>distance</b> [2] - 647:4, 647:11</p> <p><b>DISTRICT</b> [3] - 465:1, 465:1, 465:11</p> <p><b>dive</b> [3] - 507:20, 513:13, 644:24</p> <p><b>dock</b> [2] - 622:2, 623:8</p> <p><b>docked</b> [1] - 622:5</p> <p><b>Dockers</b> [1] - 585:17</p> <p><b>docking</b> [1] - 621:23</p> <p><b>document</b> [22] - 488:14, 488:22, 489:4, 489:5, 489:14, 489:25, 491:3, 491:4, 491:6, 491:11, 511:8, 511:10, 511:17, 521:3, 521:4, 521:14, 521:16, 522:23, 552:24, 554:20, 587:20</p> <p><b>documentation</b> [3] - 594:2, 594:6, 594:22</p> <p><b>documents</b> [3] - 467:15, 510:21, 582:18</p> <p><b>don</b> [22] - 507:16, 592:3, 592:12, 594:19, 595:23, 596:1, 596:4, 597:23, 600:3, 604:16, 606:13, 606:17, 607:16, 611:7, 611:22, 613:5, 614:3, 615:22, 623:14, 624:25, 634:20</p> <p><b>Don</b> [122] - 467:8, 468:3, 468:4, 468:15, 468:18, 469:12, 472:4, 472:5, 472:7, 495:11, 495:15, 495:16, 497:4, 497:10, 497:25, 498:3, 507:23, 507:25, 508:18, 510:2, 529:2, 529:18, 529:20, 530:24, 531:5, 531:8, 531:16, 532:2, 539:2, 542:13, 543:4, 543:23, 544:19, 545:25, 560:22, 560:24, 564:24, 565:2, 565:13, 566:1, 567:6, 567:9, 567:11, 570:21, 571:4, 572:11, 572:13, 589:12, 589:15, 589:19, 590:14, 591:1, 595:7, 597:19, 598:19, 598:22, 599:10, 599:20, 605:8, 606:21, 606:23, 607:6, 608:12, 611:8, 614:9, 615:5, 615:22, 615:23, 615:25, 616:3, 617:2, 617:3, 617:11, 617:13, 617:24, 620:14, 620:25, 621:9, 621:23, 621:25, 623:12, 623:15, 623:22, 634:19, 636:5, 638:1, 639:11, 641:14, 642:8, 642:11, 642:22, 651:12, 651:23, 652:5, 653:8, 654:3, 654:14, 654:15, 654:17, 654:21, 654:23, 655:1, 655:7, 655:13, 655:17, 655:21, 656:3, 656:12, 656:15, 656:24, 658:20, 658:22, 659:4, 659:10, 661:4, 661:9, 665:14, 666:2</p> <p><b>Don's</b> [17] - 524:20, 545:22, 566:23, 595:3, 595:24, 596:5, 597:7, 597:17, 624:4, 636:6, 641:4, 643:17, 643:20, 659:16, 659:20, 660:15, 665:18</p> <p><b>DONALD</b> [1] - 465:3</p> <p><b>done</b> [15] - 475:5, 475:6, 475:8,</p>	<p>523:1, 563:8, 576:14, 576:15, 580:13, 629:25, 631:15, 632:3, 632:4, 649:6, 649:9, 663:8</p> <p><b>door</b> [3] - 558:1, 571:2, 571:13</p> <p><b>down</b> [19] - 466:22, 472:19, 515:20, 516:19, 533:15, 556:20, 568:16, 582:17, 628:13, 628:14, 632:12, 642:23, 643:5, 643:12, 645:24, 646:3, 647:2, 650:6, 657:6</p> <p><b>dress</b> [1] - 576:17</p> <p><b>dresser</b> [3] - 577:25, 578:4, 578:8</p> <p><b>dressers</b> [3] - 576:21, 576:24, 577:1</p> <p><b>dressings</b> [2] - 563:17, 576:9</p> <p><b>Drive</b> [1] - 465:19</p> <p><b>driving</b> [2] - 546:21, 548:3</p> <p><b>drogue</b> [3] - 645:16, 645:17, 645:18</p> <p><b>Drop</b> [11] - 474:1, 478:13, 479:19, 485:11, 487:1, 528:7, 528:20, 561:2, 579:14, 594:25, 606:18</p> <p><b>drop</b> [1] - 560:21</p> <p><b>drops</b> [1] - 622:16</p> <p><b>dropzone</b> [1] - 654:7</p> <p><b>Dropzone</b> [1] - 654:11</p> <p><b>dropzone.com</b> [1] - 626:3</p> <p><b>dude</b> [1] - 544:11</p> <p><b>due</b> [1] - 468:23</p> <p><b>duly</b> [4] - 476:22, 518:19, 560:14, 650:14</p> <p><b>dump</b> [1] - 471:16</p> <p><b>Duncan</b> [13] - 467:8, 468:2, 469:3, 469:9, 469:11, 472:9, 474:19, 572:14, 572:15, 644:7, 644:9</p> <p><b>during</b> [27] - 469:4, 471:7, 472:4, 477:6, 477:8, 494:8, 507:20, 513:2, 513:13, 523:7, 525:10, 526:19, 527:8, 528:24, 529:10, 530:18, 531:15, 531:20, 544:22, 557:9, 573:8, 609:21, 613:6, 622:21, 623:22, 630:12, 639:24</p> <p style="text-align: center;"><b>E</b></p> <p><b>e-mail</b> [12] - 508:22, 508:24, 508:25, 509:2, 509:4, 510:17, 510:18, 560:20, 596:13, 596:19, 607:7, 607:16</p> <p><b>e-mailed</b> [1] - 569:5</p> <p><b>ear</b> [2] - 543:5, 566:7</p> <p><b>early</b> [2] - 550:23, 557:1</p> <p><b>ears</b> [1] - 637:7</p> <p><b>ease</b> [1] - 640:17</p> <p><b>easier</b> [1] - 654:1</p> <p><b>EASTERN</b> [1] - 465:1</p> <p><b>edition</b> [1] - 513:18</p>
--	---	--	---

<p><b>effect</b> [3] - 529:14, 638:18, 639:12</p> <p><b>either</b> [7] - 507:6, 536:12, 574:3, 616:20, 646:22, 647:18, 647:22</p> <p><b>electrical</b> [1] - 652:3</p> <p><b>eligible</b> [1] - 666:7</p> <p><b>emotional</b> [2] - 493:8, 493:15</p> <p><b>employed</b> [5] - 519:9, 523:25, 650:22, 650:24, 650:25</p> <p><b>employee</b> [10] - 595:10, 605:11, 605:19, 606:1, 606:4, 606:23, 607:7, 607:18, 607:19, 651:11</p> <p><b>employees</b> [8] - 471:14, 560:24, 594:25, 595:23, 596:4, 597:23, 615:16, 628:20</p> <p><b>employment</b> [2] - 470:25, 519:11</p> <p><b>End</b> [2] - 541:8, 555:13</p> <p><b>end</b> [14] - 487:9, 515:13, 526:5, 526:21, 534:21, 566:20, 567:18, 607:11, 607:15, 631:18, 631:19, 651:25, 662:12, 662:21</p> <p><b>enduring</b> [1] - 469:25</p> <p><b>enhance</b> [2] - 660:24, 661:6</p> <p><b>enhancing</b> [2] - 497:14, 661:1</p> <p><b>enjoy</b> [1] - 477:19</p> <p><b>enjoyed</b> [1] - 476:7</p> <p><b>entailed</b> [1] - 575:24</p> <p><b>entered</b> [3] - 476:5, 560:2, 632:23</p> <p><b>enters</b> [1] - 518:9</p> <p><b>entire</b> [11] - 479:24, 481:23, 484:1, 501:2, 560:23, 573:7, 573:8, 574:17, 597:13, 620:11, 666:5</p> <p><b>entry</b> [1] - 513:9</p> <p><b>EOC</b> [1] - 667:6</p> <p><b>equal</b> [1] - 532:24</p> <p><b>equation</b> [1] - 659:21</p> <p><b>errata</b> [4] - 554:14, 555:5, 555:7, 558:19</p> <p><b>error</b> [2] - 483:19, 558:18</p> <p><b>escapade</b> [7] - 641:5, 641:9, 641:10, 641:20, 641:24, 642:13, 642:14</p> <p><b>escapades</b> [6] - 641:14, 641:18, 641:22, 641:25, 642:4, 642:7</p> <p><b>especially</b> [2] - 547:25, 652:23</p> <p><b>ESQ</b> [4] - 465:14, 465:16, 465:20, 465:21</p> <p><b>essentially</b> [1] - 609:10</p> <p><b>established</b> [1] - 660:4</p> <p><b>estate</b> [4] - 466:18, 466:21, 476:16, 476:18</p> <p><b>event</b> [2] - 542:10, 641:10</p> <p><b>evidence</b> [37] - 479:13, 488:9, 488:23, 489:7, 491:13, 496:6, 510:3, 520:25, 521:3, 524:24, 543:17, 553:7, 560:12, 565:7, 568:3, 570:16, 582:19, 582:22,</p>	<p>587:8, 589:23, 600:25, 627:9, 627:11, 629:2, 629:4, 634:17, 638:3, 666:24, 668:15, 668:15, 668:16, 668:16, 668:17, 668:17, 668:18</p> <p><b>ex</b> [5] - 512:16, 513:10, 514:7, 583:3, 585:14</p> <p><b>ex-wife</b> [4] - 512:16, 513:10, 514:7, 583:3</p> <p><b>exact</b> [5] - 526:11, 526:23, 528:23, 615:11, 660:9</p> <p><b>exactly</b> [6] - 529:15, 531:4, 538:11, 538:14, 613:16, 655:19</p> <p><b>exaggeration</b> [1] - 644:19</p> <p><b>examination</b> [8] - 477:5, 488:4, 539:15, 543:8, 558:1, 558:7, 560:5, 657:3</p> <p><b>EXAMINATION</b> [14] - 477:11, 519:1, 539:16, 548:16, 560:17, 650:20, 657:12, 668:3, 668:5, 668:6, 668:7, 668:9, 668:11, 668:12</p> <p><b>examine</b> [2] - 477:4, 514:24</p> <p><b>examined</b> [6] - 476:23, 487:19, 491:25, 518:19, 560:15, 650:15</p> <p><b>example</b> [1] - 582:6</p> <p><b>examples</b> [1] - 579:9</p> <p><b>excited</b> [1] - 470:5</p> <p><b>exclaimed</b> [1] - 637:16</p> <p><b>excused</b> [1] - 556:22</p> <p><b>Exhibit</b> [43] - 478:24, 479:13, 489:3, 489:20, 489:22, 491:3, 491:7, 491:13, 496:1, 496:6, 509:3, 509:8, 509:9, 510:1, 510:2, 510:16, 513:1, 520:25, 524:9, 524:13, 524:23, 552:20, 553:7, 560:10, 560:12, 563:25, 569:25, 582:22, 626:23, 627:11, 627:24, 633:9, 634:6, 634:17, 668:15, 668:15, 668:16, 668:16, 668:17, 668:17</p> <p><b>exhibit</b> [12] - 467:20, 479:16, 488:8, 488:11, 509:12, 511:1, 511:2, 512:25, 564:9, 569:7, 627:23, 630:8</p> <p><b>Exhibits</b> [2] - 570:15, 668:18</p> <p><b>exhibits</b> [6] - 467:14, 467:19, 511:2, 511:6, 569:6, 570:13</p> <p><b>EXHIBITS</b> [1] - 668:14</p> <p><b>exhilarating</b> [1] - 487:12</p> <p><b>exited</b> [1] - 639:8</p> <p><b>exiting</b> [1] - 637:5</p> <p><b>exits</b> [1] - 557:5</p> <p><b>expect</b> [13] - 469:5, 471:18, 498:23, 505:4, 505:15, 505:18, 505:21, 507:13, 507:19, 576:15, 588:9, 610:14, 626:7</p> <p><b>expectations</b> [5] - 485:23, 486:23, 487:2, 487:3, 487:5</p> <p><b>expecting</b> [1] - 537:5</p> <p><b>experience</b> [16] - 485:12,</p>	<p>487:15, 507:13, 507:16, 526:22, 534:1, 547:12, 547:25, 548:11, 549:4, 557:10, 557:12, 560:23, 568:19, 568:22, 599:1</p> <p><b>experienced</b> [2] - 494:7, 581:17</p> <p><b>expert</b> [2] - 483:2, 483:5</p> <p><b>explain</b> [19] - 480:17, 480:22, 480:25, 481:2, 481:22, 482:1, 499:4, 507:6, 542:20, 542:21, 558:23, 574:21, 576:2, 624:6, 628:16, 628:17, 628:20, 632:21, 645:14</p> <p><b>explained</b> [5] - 480:19, 481:22, 520:4, 573:7, 574:10</p> <p><b>explaining</b> [2] - 486:11, 574:8</p> <p><b>explanation</b> [1] - 632:15</p> <p><b>Express</b> [1] - 466:3</p> <p><b>EXPRESS</b> [1] - 465:6</p> <p><b>express</b> [2] - 565:2, 568:24</p> <p><b>expressed</b> [2] - 567:19, 568:5</p> <p><b>expression</b> [1] - 568:15</p> <p><b>extra</b> [2] - 524:2, 619:11</p> <p><b>extreme</b> [4] - 492:20, 492:21, 492:22</p> <p><b>extremely</b> [1] - 492:25</p> <p><b>eyes</b> [1] - 500:24</p>	<p><b>far</b> [6] - 473:11, 474:20, 529:10, 532:22, 564:24, 609:3</p> <p><b>fast</b> [3] - 503:7, 515:8, 571:9</p> <p><b>faster</b> [1] - 515:19</p> <p><b>fear</b> [1] - 608:5</p> <p><b>federal</b> [1] - 471:16</p> <p><b>Federal</b> [2] - 465:23, 469:23</p> <p><b>feelings</b> [1] - 547:17</p> <p><b>fees</b> [2] - 482:12, 501:19</p> <p><b>fellow</b> [1] - 544:5</p> <p><b>felt</b> [21] - 525:13, 532:25, 538:13, 538:17, 542:22, 544:13, 546:10, 547:8, 547:14, 547:25, 557:10, 557:25, 574:2, 614:22, 614:24, 640:10, 643:25, 657:16, 657:21, 658:11, 658:20</p> <p><b>female</b> [4] - 652:23, 653:1, 653:21, 654:1</p> <p><b>few</b> [10] - 475:16, 528:21, 528:22, 568:23, 569:2, 571:12, 577:12, 590:8, 590:20, 609:16</p> <p><b>fewer</b> [2] - 662:2, 662:6</p> <p><b>fifteen</b> [1] - 528:22</p> <p><b>figure</b> [2] - 471:18, 629:17</p> <p><b>file</b> [1] - 545:7</p> <p><b>filed</b> [1] - 606:13</p> <p><b>filing</b> [1] - 606:9</p> <p><b>filled</b> [1] - 479:3</p> <p><b>film</b> [1] - 470:6</p> <p><b>finally</b> [1] - 468:6</p> <p><b>fine</b> [1] - 484:9</p> <p><b>finger</b> [1] - 565:15</p> <p><b>fingers</b> [1] - 544:20</p> <p><b>finish</b> [8] - 510:10, 577:18, 593:18, 609:5, 626:14, 632:1, 645:4, 662:5</p> <p><b>finished</b> [1] - 503:11</p> <p><b>fire</b> [9] - 589:15, 606:4, 606:13, 624:25, 625:19, 625:22, 628:10, 640:19, 641:1</p> <p><b>fired</b> [9] - 580:4, 580:10, 590:6, 592:3, 634:19, 638:1, 665:15, 666:10, 666:12</p> <p><b>first</b> [38] - 466:8, 472:2, 476:22, 478:9, 478:14, 487:18, 488:2, 500:17, 518:19, 537:9, 538:11, 542:6, 548:2, 548:8, 550:9, 550:20, 551:1, 557:14, 581:15, 584:23, 585:20, 585:21, 588:10, 590:13, 590:19, 598:23, 614:12, 619:6, 629:6, 630:18, 630:22, 631:4, 633:21, 633:24, 634:6, 636:13, 650:14, 656:1</p> <p><b>fit</b> [1] - 649:8</p> <p><b>fits</b> [3] - 499:19, 500:5, 577:10</p> <p><b>five</b> [4] - 514:21, 531:17, 548:19, 550:2</p> <p><b>flirtatious</b> [1] - 542:23</p> <p><b>flowing</b> [1] - 571:8</p>
<b>F</b>			
<p><b>face</b> [14] - 468:15, 512:10, 534:22, 543:11, 566:23, 568:15, 570:18, 570:23, 572:3, 589:13, 589:15, 634:24, 661:4, 661:7</p> <p><b>facebook</b> [1] - 514:14</p> <p><b>Facebook</b> [13] - 511:3, 512:6, 512:8, 512:10, 512:11, 512:15, 512:22, 512:23, 512:24, 514:8, 581:6, 581:14</p> <p><b>fact</b> [22] - 472:5, 479:20, 486:14, 509:4, 534:11, 542:8, 542:9, 544:4, 544:6, 546:10, 554:21, 556:11, 558:16, 585:18, 601:11, 611:11, 616:12, 633:5, 635:6, 639:10, 644:9</p> <p><b>factors</b> [1] - 588:22</p> <p><b>facts</b> [5] - 512:20, 512:21, 589:23, 601:23, 638:2</p> <p><b>fail</b> [2] - 469:9, 469:23</p> <p><b>failed</b> [1] - 467:15</p> <p><b>fair</b> [9] - 525:24, 532:2, 584:4, 607:12, 610:7, 613:3, 628:17, 630:17, 639:24</p> <p><b>fairly</b> [5] - 561:12, 561:20, 562:5, 562:6, 564:14</p> <p><b>fall</b> [7] - 598:10, 644:19, 644:24, 645:15, 645:17, 646:1, 647:3</p> <p><b>falling</b> [2] - 545:10, 598:10</p> <p><b>familiar</b> [5] - 545:24, 546:5, 546:10, 633:2, 651:3</p> <p><b>fantastic</b> [2] - 467:25, 571:6</p>			

<p><b>flyers</b> [1] - 495:3  <b>flying</b> [1] - 528:7  <b>focal</b> [1] - 533:2  <b>focus</b> [3] - 484:7, 566:18, 642:3  <b>focusing</b> [1] - 618:3  <b>follow</b> [3] - 539:22, 583:17, 604:9  <b>follow-up</b> [1] - 539:22  <b>followed</b> [1] - 607:10  <b>following</b> [40] - 466:1, 488:25, 489:1, 490:3, 491:1, 502:7, 503:1, 503:13, 504:1, 513:6, 514:21, 517:7, 540:6, 553:11, 557:13, 586:11, 587:1, 587:23, 588:1, 602:9, 603:1, 603:5, 604:1, 618:6, 619:1, 619:13, 620:1, 621:21, 621:24, 622:9, 623:5, 631:24, 648:6, 649:1, 649:18, 650:1, 663:10, 664:1, 664:20, 665:1  <b>follows</b> [4] - 476:23, 518:20, 560:16, 650:15  <b>force</b> [2] - 534:25, 567:9  <b>forced</b> [1] - 567:10  <b>forget</b> [1] - 644:16  <b>form</b> [23] - 520:19, 520:23, 521:18, 567:8, 573:4, 579:12, 582:9, 583:18, 584:7, 595:3, 599:6, 599:8, 608:10, 608:25, 610:10, 613:19, 617:4, 638:4, 638:15, 641:7, 644:22, 652:20, 659:14  <b>formal</b> [2] - 472:12, 654:9  <b>formally</b> [1] - 653:11  <b>forms</b> [4] - 520:8, 520:10, 520:12, 520:16  <b>forth</b> [2] - 487:3, 487:4  <b>forward</b> [1] - 560:25  <b>foundation</b> [8] - 511:14, 512:1, 512:3, 512:6, 627:12, 629:1, 629:5, 629:19  <b>four</b> [11] - 466:14, 531:17, 552:12, 569:22, 570:3, 570:13, 575:10, 575:13, 575:15, 577:8, 578:17  <b>frame</b> [1] - 534:21  <b>free</b> [10] - 475:10, 546:5, 598:10, 600:22, 628:20, 644:18, 644:24, 645:15, 645:17, 647:3  <b>Friday</b> [8] - 466:20, 536:6, 547:12, 609:23, 614:5, 621:16, 621:19, 623:4  <b>friendly</b> [1] - 652:25  <b>front</b> [6] - 523:9, 528:15, 530:1, 538:19, 539:19, 550:12  <b>frustrated</b> [1] - 626:17  <b>fucking</b> [3] - 527:4, 527:7, 567:20  <b>full</b> [5] - 514:13, 561:9, 622:6, 622:24, 622:25  <b>fully</b> [1] - 559:4</p>	<p><b>fun</b> [4] - 584:25, 636:12, 636:14, 660:20  <b>FunJump@SkydiveLongIsland</b> [1] - 509:6  <b>funjumps@SkydiveLongIsland.com</b> [1] - 509:1  <b>funny</b> [1] - 636:16  <b>furtherer</b> [1] - 560:15</p> <p style="text-align: center;"><b>G</b></p> <p><b>game</b> [2] - 628:17, 630:17  <b>gamesmanship</b> [1] - 471:19  <b>gay</b> [49] - 504:21, 535:19, 536:1, 539:11, 542:8, 590:9, 590:14, 591:3, 591:12, 591:14, 591:22, 592:1, 592:13, 592:16, 592:20, 592:22, 593:2, 593:22, 596:1, 596:20, 596:21, 597:18, 598:20, 598:22, 598:24, 610:24, 611:7, 614:18, 614:25, 615:23, 615:25, 616:3, 616:19, 617:2, 617:3, 617:11, 620:13, 625:5, 625:6, 625:12, 641:4, 641:18, 654:3, 654:5, 654:7, 654:15, 654:21, 659:12, 659:17  <b>gear</b> [2] - 505:16, 505:19  <b>general</b> [5] - 494:2, 555:5, 576:8, 581:24, 581:25  <b>generally</b> [1] - 659:15  <b>gentleman</b> [3] - 497:3, 497:25, 620:7  <b>gentlemen</b> [1] - 497:21  <b>gesture</b> [1] - 525:20  <b>gestures</b> [2] - 525:17, 543:11  <b>gesturing</b> [2] - 544:4, 544:19  <b>girl</b> [7] - 544:6, 614:8, 614:14, 614:17, 614:18, 620:10  <b>girlfriend</b> [33] - 519:19, 519:23, 525:24, 528:25, 529:6, 529:16, 530:8, 530:24, 531:3, 531:11, 538:14, 543:24, 544:10, 544:19, 546:12, 557:12, 557:15, 582:25, 583:3, 584:24, 584:25, 585:7, 610:19, 610:23, 616:3, 620:7, 620:8, 638:19, 639:13, 657:17, 657:22, 658:12, 659:5  <b>girlfriend's</b> [1] - 532:19  <b>given</b> [11] - 471:7, 471:22, 473:2, 489:13, 533:15, 572:16, 607:10, 637:19, 639:18, 653:25, 660:16  <b>glad</b> [2] - 548:11  <b>goofy</b> [10] - 634:24, 635:1, 635:6, 635:14, 635:20, 636:3, 636:7, 636:9, 636:17, 660:7  <b>governing</b> [1] - 491:16  <b>great</b> [3] - 525:13, 526:10, 568:16</p>	<p><b>GREGORY</b> [1] - 465:14  <b>groped</b> [1] - 546:3  <b>ground</b> [6] - 532:16, 534:4, 557:11, 576:14, 576:17, 646:16  <b>grounds</b> [2] - 494:11, 512:2  <b>guess</b> [11] - 516:11, 522:2, 523:4, 537:20, 539:6, 558:11, 558:18, 589:24, 597:11, 599:19, 629:9  <b>guidelines</b> [1] - 491:20  <b>guy</b> [18] - 482:14, 482:22, 529:6, 529:17, 530:9, 530:13, 530:15, 531:3, 600:1, 614:14, 614:17, 616:2, 638:20, 639:13, 657:18, 657:22, 658:13, 660:12  <b>guys</b> [2] - 596:21, 598:12</p> <p style="text-align: center;"><b>H</b></p> <p><b>half</b> [4] - 499:16, 613:12, 622:7, 626:8  <b>hamming</b> [3] - 468:4, 469:13, 497:11  <b>hand</b> [15] - 478:17, 478:23, 518:17, 520:24, 525:17, 525:20, 526:13, 552:19, 622:9, 622:25, 626:22, 636:24, 637:21, 661:4, 661:7  <b>handing</b> [2] - 509:3, 523:12  <b>handle</b> [1] - 494:21  <b>hands</b> [6] - 532:11, 532:20, 543:1, 545:19, 566:8, 611:4  <b>hanging</b> [1] - 647:7  <b>happier</b> [2] - 585:18, 585:22  <b>happiness</b> [5] - 567:19, 568:7, 568:13, 568:24, 570:18  <b>happy</b> [14] - 485:9, 485:10, 485:12, 525:24, 568:6, 568:17, 568:18, 568:21, 571:24, 571:25, 572:2, 572:7, 572:9, 592:6  <b>hard</b> [7] - 472:18, 472:19, 570:5, 570:6, 570:9, 570:10, 613:15  <b>harm</b> [1] - 520:13  <b>harness</b> [26] - 499:20, 500:3, 500:4, 504:5, 504:8, 507:7, 521:8, 521:10, 563:9, 575:12, 575:13, 576:6, 576:10, 576:13, 576:18, 576:19, 577:1, 577:7, 577:10, 577:12, 577:14, 578:5, 578:24, 579:1, 579:23, 647:8  <b>harnessed</b> [3] - 561:7, 561:8, 561:9  <b>harnesses</b> [5] - 500:2, 500:7, 576:7, 576:8, 576:22  <b>head</b> [6] - 566:7, 620:9, 646:23, 647:5, 647:9, 647:19  <b>hear</b> [18] - 525:7, 535:14, 565:19, 572:21, 591:21, 593:10, 616:3, 616:6, 616:13, 633:22, 634:9, 637:10, 654:14,</p>	<p>654:17, 654:20, 654:23, 655:17, 656:24  <b>heard</b> [22] - 474:16, 484:4, 497:13, 516:12, 565:18, 566:10, 579:8, 579:9, 589:3, 589:25, 605:3, 641:13, 642:4, 642:10, 654:6, 654:16, 656:4, 656:7, 656:17, 656:19, 660:23  <b>hearing</b> [1] - 656:22  <b>hearsay</b> [2] - 548:4, 557:11  <b>heart</b> [1] - 506:18  <b>height</b> [1] - 577:13  <b>held</b> [1] - 488:14  <b>helmet</b> [3] - 496:8, 496:13, 637:10  <b>help</b> [3] - 478:11, 564:22, 615:7  <b>helps</b> [2] - 477:24, 478:6  <b>heterosexual</b> [2] - 658:23, 659:21  <b>highlight</b> [1] - 468:12  <b>highlights</b> [1] - 468:16  <b>himself</b> [8] - 533:3, 578:10, 611:12, 654:8, 654:14, 659:11, 659:17, 659:20  <b>hip</b> [3] - 578:18, 578:25, 611:4  <b>hips</b> [10] - 528:17, 543:1, 545:19, 545:20, 566:8, 578:20, 579:5, 642:17, 642:19, 646:7  <b>hired</b> [2] - 590:15, 654:7  <b>history</b> [5] - 545:15, 566:16, 566:17, 615:10, 624:4  <b>hit</b> [1] - 658:23  <b>hitting</b> [6] - 617:24, 620:12, 620:14, 620:25, 646:23, 647:19  <b>hoc</b> [1] - 574:14  <b>Hold</b> [1] - 596:14  <b>hold</b> [7] - 472:19, 481:19, 493:3, 510:6, 520:12, 524:18, 564:1  <b>holding</b> [1] - 481:12  <b>home</b> [14] - 466:20, 476:17, 533:11, 535:17, 546:18, 546:21, 548:3, 550:10, 551:6, 551:8, 621:10, 662:11, 662:20, 667:3  <b>homosexual</b> [2] - 590:12, 591:9  <b>honest</b> [1] - 472:6  <b>Honor</b> [50] - 470:15, 472:5, 472:10, 472:11, 472:14, 472:15, 484:1, 488:6, 488:21, 495:22, 502:3, 509:17, 514:12, 521:1, 523:8, 524:7, 524:9, 524:12, 524:21, 539:14, 540:1, 543:7, 543:16, 552:22, 553:6, 553:8, 554:10, 555:12, 556:23, 559:8, 559:9, 561:24, 569:10, 571:16, 593:5, 597:12, 598:15, 601:25, 611:15, 617:18, 618:1, 619:9, 627:7, 629:15, 631:22, 648:4, 650:8, 667:8  <b>HONORABLE</b> [1] - 465:11  <b>hope</b> [3] - 476:7, 542:7, 631:17</p>
---	--	---	---



<p><b>hoping</b> [2] - 609:10, 632:2</p> <p><b>horizontally</b> [1] - 647:11</p> <p><b>hotel</b> [1] - 466:16</p> <p><b>hour</b> [4] - 475:7, 475:9, 476:1, 645:19</p> <p><b>hours</b> [1] - 626:18</p> <p><b>human</b> [1] - 483:19</p> <p><b>hurt</b> [1] - 606:24</p> <p><b>hypothetical</b> [4] - 597:20, 598:1, 630:5, 631:14</p> <p><b>hypothetically</b> [1] - 597:5</p>	<p><b>indicated</b> [1] - 548:18</p> <p><b>indicating</b> [1] - 541:4</p> <p><b>individual</b> [1] - 469:18</p> <p><b>individuals</b> [1] - 472:8</p> <p><b>inform</b> [3] - 527:21, 599:3, 599:10</p> <p><b>information</b> [21] - 482:18, 547:10, 557:19, 557:23, 584:2, 584:5, 584:24, 585:2, 585:3, 585:4, 585:5, 585:9, 585:24, 597:10, 597:18, 614:16, 640:8, 640:16, 644:14, 665:21, 665:24</p> <p><b>informed</b> [1] - 572:17</p> <p><b>inherent</b> [1] - 483:14</p> <p><b>inherently</b> [5] - 485:21, 493:25, 494:14, 494:18, 572:18</p> <p><b>initial</b> [8] - 471:12, 471:15, 500:14, 500:20, 504:15, 504:18, 505:9, 612:3</p> <p><b>injured</b> [4] - 480:22, 600:4, 605:12, 606:17</p> <p><b>injury</b> [14] - 493:4, 493:8, 493:14, 493:15, 580:11, 600:13, 601:6, 601:9, 604:5, 604:11, 608:14, 646:10, 646:12</p> <p><b>instance</b> [1] - 499:4</p> <p><b>instances</b> [1] - 499:8</p> <p><b>instead</b> [1] - 629:2</p> <p><b>instruct</b> [1] - 660:19</p> <p><b>instructed</b> [4] - 529:5, 566:25, 572:11, 572:20</p> <p><b>instruction</b> [2] - 574:14, 607:10</p> <p><b>instructions</b> [1] - 520:2</p> <p><b>instructor</b> [68] - 484:16, 495:5, 495:9, 497:3, 498:15, 498:19, 498:23, 499:10, 499:15, 499:17, 500:6, 504:13, 504:20, 507:4, 507:6, 508:18, 520:6, 520:17, 520:20, 527:17, 527:21, 527:25, 528:3, 528:8, 528:25, 530:10, 532:9, 532:17, 533:16, 544:19, 545:11, 545:17, 545:18, 548:9, 560:22, 562:17, 564:15, 573:1, 575:19, 576:10, 576:12, 576:16, 576:20, 576:24, 577:5, 577:6, 577:9, 577:20, 578:1, 578:5, 578:9, 580:10, 599:1, 599:20, 599:23, 625:16, 637:5, 637:9, 644:1, 646:20, 646:21, 647:16, 647:17, 651:10, 651:22, 654:11, 654:12</p> <p><b>instructor's</b> [7] - 481:9, 527:19, 528:11, 528:13, 528:17, 532:11, 574:13</p> <p><b>instructors</b> [20] - 495:3, 507:13, 507:19, 525:11, 530:11, 531:4, 544:5, 561:10, 563:17, 563:22, 580:16, 580:18, 596:20, 598:9, 598:12, 625:13, 639:11, 656:7, 660:19</p>	<p><b>Insurance</b> [1] - 664:9</p> <p><b>insurance</b> [4] - 605:4, 605:9, 606:1, 664:14</p> <p><b>intending</b> [1] - 470:19</p> <p><b>intention</b> [1] - 607:22</p> <p><b>interact</b> [1] - 652:11</p> <p><b>interest</b> [1] - 659:11</p> <p><b>interests</b> [1] - 652:1</p> <p><b>interminable</b> [2] - 588:6, 588:21</p> <p><b>Internet</b> [3] - 584:14, 586:2, 588:20</p> <p><b>interrupt</b> [2] - 518:14, 650:5</p> <p><b>intricacies</b> [1] - 505:22</p> <p><b>introduce</b> [5] - 469:15, 510:3, 587:11, 654:8, 654:14</p> <p><b>introduced</b> [2] - 489:19, 577:5</p> <p><b>introducing</b> [5] - 467:6, 472:5, 474:15, 587:7, 587:8</p> <p><b>invading</b> [1] - 505:25</p> <p><b>investigate</b> [3] - 562:25, 563:4, 589:6</p> <p><b>investigating</b> [1] - 589:9</p> <p><b>investigation</b> [3] - 615:3, 615:10, 628:22</p> <p><b>involuntary</b> [1] - 571:14</p> <p><b>involved</b> [4] - 470:24, 473:22, 474:7, 495:12</p> <p><b>involvement</b> [1] - 473:6</p> <p><b>irritated</b> [1] - 546:20</p> <p><b>Island</b> [45] - 468:7, 473:8, 473:10, 479:3, 480:13, 481:3, 481:4, 485:7, 493:4, 494:4, 494:17, 495:19, 496:15, 496:22, 498:12, 501:11, 501:15, 506:12, 508:5, 511:4, 513:9, 514:14, 514:21, 519:17, 520:1, 520:13, 536:9, 542:17, 549:19, 550:10, 552:5, 581:6, 581:14, 582:7, 583:16, 584:3, 588:24, 599:2, 627:1, 627:6, 651:4, 655:2, 656:22, 661:16</p> <p><b>ISLAND</b> [1] - 465:7</p> <p><b>Island's</b> [1] - 512:10</p> <p><b>Islip</b> [2] - 465:5, 465:23</p> <p><b>issue</b> [10] - 472:9, 472:14, 509:24, 510:9, 513:11, 554:2, 554:24, 557:25, 558:24, 665:6</p> <p><b>issued</b> [2] - 542:17, 622:23</p> <p><b>issues</b> [4] - 466:7, 509:18, 557:16, 559:4</p> <p><b>it;s</b> [1] - 577:15</p> <p><b>itself</b> [4] - 467:20, 510:17, 554:20, 567:14</p>	<p><b>joining</b> [1] - 466:16</p> <p><b>joke</b> [17] - 522:6, 523:20, 529:14, 530:7, 530:23, 531:23, 531:25, 532:1, 579:24, 580:5, 638:18, 639:7, 639:11, 639:20, 639:21, 657:23, 659:3</p> <p><b>jokes</b> [5] - 579:14, 580:6, 636:17, 660:3, 660:5</p> <p><b>joking</b> [2] - 579:8, 579:21</p> <p><b>JOSEPH</b> [1] - 465:11</p> <p><b>judge</b> [33] - 467:12, 467:18, 471:16, 473:7, 474:10, 476:12, 490:1, 491:8, 503:8, 511:23, 513:4, 515:8, 515:10, 515:17, 560:9, 564:7, 571:20, 587:14, 594:14, 600:22, 601:20, 602:3, 626:19, 627:11, 632:5, 632:12, 633:20, 640:25, 649:9, 657:2, 663:7, 665:9, 665:12</p> <p><b>JUDGE</b> [1] - 465:11</p> <p><b>Judge</b> [4] - 516:2, 517:4, 518:2, 554:2</p> <p><b>judges</b> [1] - 665:10</p> <p><b>judgment</b> [12] - 507:20, 523:3, 532:6, 532:9, 532:20, 532:23, 581:1, 632:13, 640:11, 640:17, 643:17, 643:20</p> <p><b>jump</b> [65] - 470:5, 470:6, 481:20, 483:7, 483:15, 483:19, 486:24, 493:17, 493:23, 494:24, 495:2, 495:5, 498:12, 500:10, 504:4, 504:5, 504:6, 506:18, 506:20, 506:25, 521:7, 521:9, 523:23, 524:2, 525:21, 526:6, 531:17, 543:2, 543:17, 544:22, 546:15, 547:12, 557:25, 560:22, 560:25, 567:22, 573:8, 580:2, 600:13, 600:20, 601:5, 601:9, 601:12, 609:16, 610:6, 611:9, 612:8, 613:7, 613:23, 614:13, 620:11, 621:18, 623:4, 635:15, 635:21, 637:15, 639:24, 639:25, 646:25, 654:1, 660:15, 661:18</p> <p><b>jumped</b> [4] - 533:18, 533:20, 571:9, 613:5</p> <p><b>jumper</b> [3] - 503:4, 510:19, 512:18</p> <p><b>JumperRay@optonline.net</b> [1] - 509:5</p> <p><b>jumpers</b> [2] - 581:17</p> <p><b>jumping</b> [9] - 515:20, 545:17, 651:24, 652:19, 656:16, 656:17, 656:20, 656:23, 656:24</p> <p><b>jumpmaster</b> [1] - 521:9</p> <p><b>jumps</b> [14] - 497:8, 507:24, 507:25, 527:6, 582:3, 612:14, 613:2, 613:6, 613:11, 613:22, 621:16, 621:17, 622:20, 661:21</p> <p><b>jumpsuit</b> [1] - 499:24</p> <p><b>jumpsuits</b> [1] - 500:1</p>
<p><b>I</b></p> <p><b>idea</b> [3] - 623:7, 626:12, 658:22</p> <p><b>identified</b> [5] - 467:13, 469:14, 471:4, 471:6, 472:3</p> <p><b>identify</b> [8] - 467:16, 473:25, 474:1, 474:2, 543:15, 543:19, 587:21</p> <p><b>ignore</b> [2] - 513:14</p> <p><b>illegitimate</b> [1] - 573:23</p> <p><b>imagine</b> [4] - 474:18, 475:16, 562:22, 649:7</p> <p><b>impeach</b> [2] - 591:18, 593:6</p> <p><b>implicated</b> [1] - 558:7</p> <p><b>implying</b> [2] - 544:21, 659:4</p> <p><b>important</b> [4] - 486:18, 574:16, 578:12, 646:13</p> <p><b>improper</b> [4] - 600:12, 601:9, 660:7, 660:13</p> <p><b>improperly</b> [1] - 617:13</p> <p><b>inadvertence</b> [2] - 607:11, 607:15</p> <p><b>inadvertently</b> [2] - 607:7, 626:5</p> <p><b>inappropriate</b> [19] - 498:5, 532:3, 532:25, 533:9, 534:5, 538:13, 542:10, 542:11, 545:21, 545:22, 557:21, 563:1, 566:9, 580:17, 580:19, 597:8, 637:18, 639:21, 640:4</p> <p><b>inappropriately</b> [6] - 534:9, 535:8, 542:19, 542:20, 542:21, 557:21</p> <p><b>inappropriateness</b> [1] - 538:17</p> <p><b>INC</b> [1] - 465:6</p> <p><b>inch</b> [1] - 499:16</p> <p><b>incident</b> [7] - 494:7, 538:2, 549:1, 549:3, 598:4, 628:6, 632:11</p> <p><b>incidents</b> [1] - 559:1</p> <p><b>include</b> [2] - 493:14, 585:6</p> <p><b>included</b> [3] - 492:17, 494:24, 495:1</p> <p><b>includes</b> [1] - 495:2</p> <p><b>including</b> [1] - 510:25</p> <p><b>inconsistency</b> [1] - 593:16</p> <p><b>inconsistent</b> [4] - 554:17, 593:12, 593:14, 593:15</p> <p><b>incorrect</b> [1] - 645:6</p> <p><b>independent</b> [1] - 529:12</p>	<p><b>J</b></p> <p><b>Jim</b> [1] - 560:25</p> <p><b>job</b> [7] - 498:14, 590:17, 605:13, 625:10, 625:17, 636:13, 660:20</p> <p><b>JOHNSON</b> [1] - 465:21</p> <p><b>join</b> [1] - 581:11</p>		

<p><b>June</b> [9] - 519:13, 519:23, 520:1, 525:3, 527:13, 536:3, 536:8, 536:15, 549:18  <b>jurors</b> [2] - 466:5, 466:19  <b>Jury</b> [1] - 465:11  <b>jury</b> [33] - 472:25, 476:4, 476:5, 476:6, 476:14, 489:23, 491:2, 496:5, 509:23, 518:9, 521:6, 524:14, 541:1, 554:1, 557:5, 557:17, 560:2, 568:10, 573:12, 584:9, 593:8, 593:10, 593:16, 593:17, 594:12, 597:15, 616:10, 616:13, 616:24, 627:15, 632:22, 632:23, 667:4</p>	<p style="text-align: center;"><b>L</b></p> <p><b>lack</b> [1] - 627:12  <b>ladies</b> [4] - 589:2, 589:18, 626:10, 626:16  <b>lady</b> [1] - 627:3  <b>land</b> [2] - 545:15, 646:5  <b>landed</b> [4] - 533:22, 533:24, 535:11, 568:5  <b>landing</b> [3] - 534:12, 535:18, 646:17  <b>large</b> [1] - 598:5  <b>large-busted</b> [1] - 598:5  <b>last</b> [14] - 478:18, 497:13, 505:24, 516:10, 518:12, 556:3, 558:10, 574:7, 585:17, 588:2, 641:13, 642:4, 644:18, 650:17  <b>late</b> [1] - 550:23  <b>laugh</b> [1] - 530:12  <b>LAURA</b> [1] - 465:21  <b>Lauren</b> [3] - 665:22, 666:11, 666:14  <b>law</b> [2] - 573:12, 606:4  <b>laws</b> [1] - 666:2  <b>lawsuit</b> [1] - 545:8  <b>lawyers</b> [2] - 522:8, 593:11  <b>lay</b> [1] - 512:1  <b>laying</b> [1] - 512:6  <b>layout</b> [1] - 545:14  <b>lays</b> [1] - 511:13  <b>lead</b> [2] - 466:11, 516:9  <b>leading</b> [4] - 466:10, 495:19, 543:6, 653:3  <b>learned</b> [1] - 468:9  <b>least</b> [4] - 466:14, 500:24, 508:4, 613:13  <b>leave</b> [3] - 585:15, 615:16, 649:15  <b>leaving</b> [1] - 615:14  <b>led</b> [1] - 600:8  <b>left</b> [13] - 470:18, 497:22, 509:23, 523:3, 543:23, 566:8, 627:15, 632:11, 637:11, 646:22, 647:10, 647:18, 667:4  <b>leg</b> [1] - 608:1  <b>legal</b> [7] - 480:3, 480:4, 521:25, 522:8, 522:11, 523:4, 523:17  <b>legitimate</b> [3] - 574:3, 587:3, 643:12  <b>legs</b> [3] - 528:13, 566:8, 620:9  <b>length</b> [1] - 630:24  <b>less</b> [2] - 663:2, 663:5  <b>letter</b> [7] - 606:25, 665:20, 665:22, 665:23, 666:8, 666:11, 666:14  <b>letters</b> [1] - 607:5  <b>letting</b> [3] - 563:18, 584:22, 666:5  <b>levels</b> [1] - 594:24  <b>LI</b> [2] - 514:14, 581:18  <b>liability</b> [3] - 481:5, 481:12,</p>	<p>481:16  <b>liable</b> [2] - 481:20, 493:4  <b>license</b> [1] - 546:5  <b>lie</b> [2] - 568:7, 568:14  <b>life</b> [12] - 512:12, 532:11, 532:19, 533:1, 538:3, 538:7, 538:10, 538:16, 539:2, 539:4, 582:5  <b>likely</b> [1] - 500:8  <b>limit</b> [2] - 610:17, 662:16  <b>line</b> [53] - 478:3, 482:2, 484:2, 522:22, 523:13, 526:14, 526:15, 530:4, 530:21, 534:17, 538:21, 539:23, 539:25, 541:3, 546:8, 550:14, 561:17, 561:25, 562:1, 580:15, 580:17, 588:15, 588:16, 590:24, 591:11, 592:25, 596:15, 598:16, 599:13, 600:11, 600:19, 601:1, 601:3, 601:13, 602:7, 604:3, 604:6, 604:8, 617:17, 617:20, 619:2, 620:3, 635:18, 639:6, 643:3, 645:22, 647:12, 647:15, 656:9, 658:4, 658:8, 659:7  <b>lines</b> [2] - 468:11, 529:16  <b>linked</b> [1] - 583:19  <b>lips</b> [4] - 526:2, 546:11, 638:9, 638:13  <b>list</b> [2] - 467:14, 607:8  <b>listed</b> [2] - 472:17, 472:20  <b>listen</b> [2] - 563:22, 616:22  <b>lit</b> [1] - 516:1  <b>litigation</b> [2] - 495:19, 559:1  <b>lives</b> [1] - 585:16  <b>living</b> [1] - 551:9  <b>logical</b> [1] - 506:23  <b>LONG</b> [1] - 465:7  <b>look</b> [34] - 478:2, 478:3, 479:16, 513:2, 544:6, 552:24, 561:15, 564:6, 568:6, 568:17, 569:4, 569:11, 590:23, 592:24, 596:8, 596:12, 598:14, 599:13, 600:10, 601:11, 604:16, 615:18, 617:16, 617:17, 635:2, 635:9, 638:25, 642:25, 643:3, 647:12, 658:3, 662:22, 662:25, 663:6  <b>looked</b> [5] - 510:15, 510:25, 546:12, 567:25, 604:14  <b>looking</b> [6] - 507:16, 509:8, 560:25, 565:14, 565:15, 596:12  <b>looks</b> [7] - 513:9, 513:17, 571:6, 571:23, 571:25, 572:9, 646:2  <b>loosen</b> [6] - 499:11, 499:16, 579:24, 646:4, 646:7, 646:16  <b>loosened</b> [1] - 646:15  <b>loud</b> [1] - 629:4  <b>low</b> [1] - 661:25  <b>lower</b> [1] - 647:8  <b>lunch</b> [5] - 469:4, 552:12, 556:24, 557:1, 557:4</p>	<p style="text-align: center;"><b>M</b></p> <p style="text-align: right;">10</p> <p><b>M-A-Y-N-A-R-D</b> [1] - 477:1  <b>mail</b> [12] - 508:22, 508:24, 508:25, 509:2, 509:4, 510:17, 510:18, 560:20, 596:13, 596:19, 607:7, 607:16  <b>mailed</b> [1] - 569:5  <b>main</b> [2] - 544:3, 661:15  <b>male</b> [5] - 598:9, 615:23, 615:25, 616:3, 653:20  <b>malfunction</b> [1] - 483:19  <b>manager</b> [1] - 535:12  <b>mandatory</b> [4] - 606:17, 606:25, 607:16, 607:18  <b>manipulate</b> [1] - 505:18  <b>manipulating</b> [1] - 580:13  <b>manipulation</b> [2] - 554:6, 554:7  <b>manner</b> [3] - 532:3, 563:1, 580:14  <b>marked</b> [5] - 467:19, 489:2, 511:1, 552:19, 630:8  <b>married</b> [2] - 640:5, 641:2  <b>master</b> [15] - 504:6, 504:7, 504:9, 504:11, 521:10, 521:12, 521:13, 560:22, 567:23, 577:8, 577:11, 577:15, 579:2, 579:3, 647:8  <b>masters</b> [1] - 495:2  <b>matches</b> [1] - 600:18  <b>matter</b> [11] - 484:18, 518:13, 557:20, 585:18, 592:8, 592:10, 598:25, 620:16, 620:20, 625:13, 631:2  <b>matters</b> [1] - 620:21  <b>MAYNARD</b> [5] - 465:7, 476:21, 560:13, 668:2, 668:8  <b>Maynard</b> [53] - 467:6, 469:6, 470:11, 470:22, 473:5, 473:9, 474:13, 475:4, 475:18, 475:25, 477:1, 477:6, 477:7, 477:13, 488:15, 510:11, 510:22, 511:16, 513:10, 537:8, 537:11, 537:15, 537:21, 538:2, 538:6, 538:9, 539:10, 542:16, 542:22, 542:25, 543:4, 543:10, 544:2, 544:9, 544:24, 545:3, 545:6, 547:1, 556:13, 557:15, 557:16, 557:18, 557:24, 559:7, 560:7, 560:19, 561:2, 628:20, 630:25, 632:20, 633:2, 650:5, 657:8  <b>Maynard's</b> [5] - 467:20, 474:24, 474:25, 518:14, 560:5  <b>McVie</b> [1] - 561:1  <b>mean</b> [30] - 479:5, 479:6, 479:19, 479:20, 485:10, 487:1, 487:5, 508:15, 510:12, 511:21, 513:23, 522:8, 522:24, 525:20, 529:24, 531:18, 533:7, 546:7, 549:20, 551:22, 554:22, 574:8, 595:19, 605:20, 605:22, 626:5,</p>
<p style="text-align: center;"><b>K</b></p> <p><b>K-E-N-G-L-E</b> [1] - 518:23  <b>Kansas</b> [1] - 560:22  <b>keep</b> [5] - 472:25, 489:24, 569:20, 579:18, 590:16  <b>keeping</b> [1] - 476:8  <b>Kellinger</b> [5] - 471:22, 472:2, 472:7, 472:10, 598:21  <b>KENGLE</b> [4] - 518:4, 518:7, 518:18, 668:4  <b>Kengle</b> [62] - 467:7, 467:23, 467:24, 467:25, 468:23, 468:25, 469:2, 470:10, 470:20, 471:1, 471:7, 474:15, 474:20, 475:9, 478:20, 479:4, 484:3, 488:15, 516:2, 516:25, 517:1, 517:5, 518:3, 518:16, 518:24, 519:7, 524:15, 526:15, 539:18, 542:2, 542:12, 543:19, 548:18, 556:2, 556:20, 557:10, 557:19, 558:11, 566:10, 567:20, 572:7, 609:14, 609:16, 610:23, 616:18, 617:7, 617:11, 620:4, 621:6, 634:20, 638:17, 638:22, 639:6, 644:7, 644:10, 657:16, 657:21, 658:6, 658:11  <b>Kengle's</b> [7] - 468:21, 516:24, 610:18, 638:6, 639:23, 657:17, 658:12  <b>kept</b> [3] - 543:1, 636:9, 649:3  <b>Kevin</b> [1] - 627:21  <b>kicks</b> [1] - 571:12  <b>kidding</b> [1] - 580:7  <b>killed</b> [1] - 480:25  <b>kind</b> [9] - 510:15, 523:3, 544:4, 545:14, 545:15, 545:23, 546:19, 548:10, 613:15  <b>king</b> [1] - 525:2  <b>kiss</b> [1] - 638:15  <b>kissing</b> [1] - 638:1  <b>knowing</b> [2] - 523:1, 607:10  <b>knowledgeable</b> [1] - 482:21  <b>knows</b> [3] - 580:14, 584:18, 656:1</p>			

<p>630:11, 642:8, 651:21, 652:22  <b>meaning</b> [2] - 525:5, 556:7  <b>means</b> [6] - 481:12, 481:17, 501:14, 522:2, 523:20, 645:14  <b>meantime</b> [1] - 468:14  <b>mechanical</b> [1] - 465:25  <b>medical</b> [6] - 487:24, 488:3, 489:11, 492:4, 492:10, 500:17  <b>meet</b> [4] - 550:2, 550:4, 550:6, 551:23  <b>meeting</b> [11] - 549:21, 606:18, 606:21, 607:1, 607:6, 607:16, 607:18, 612:4, 612:5, 612:9, 654:10  <b>meetings</b> [2] - 549:22, 607:5  <b>Melissa</b> [2] - 466:19, 476:15  <b>members</b> [2] - 476:6, 491:2  <b>memory</b> [3] - 531:18, 604:23, 645:2  <b>men</b> [5] - 504:17, 579:8, 579:14, 579:15  <b>mentally</b> [2] - 492:12, 492:14  <b>mention</b> [7] - 492:14, 514:8, 546:25, 617:2, 617:3, 653:12, 659:16  <b>mentioned</b> [7] - 472:3, 539:5, 539:23, 542:3, 547:3, 597:7, 653:11  <b>mentioning</b> [1] - 539:2  <b>message</b> [1] - 537:10  <b>met</b> [11] - 519:3, 549:18, 549:25, 550:9, 550:20, 551:11, 551:17, 551:25, 554:14, 554:22, 585:22  <b>method</b> [1] - 629:10  <b>middle</b> [2] - 523:19, 661:17  <b>might</b> [10] - 499:1, 499:8, 499:14, 507:7, 563:14, 569:11, 643:25, 658:5, 658:10, 658:20  <b>miles</b> [1] - 645:18  <b>mind</b> [11] - 506:15, 506:25, 512:14, 558:6, 561:9, 567:3, 623:10, 623:12, 623:13, 639:24, 659:25  <b>minimum</b> [3] - 471:22, 608:15, 649:4  <b>minute</b> [4] - 535:7, 583:8, 642:3, 649:6  <b>minutes</b> [22] - 475:3, 475:5, 475:17, 475:21, 503:6, 515:25, 528:21, 528:22, 549:5, 566:4, 571:12, 577:3, 620:4, 620:5, 632:5, 632:8, 632:14, 632:18, 644:19, 645:1, 645:5, 649:3  <b>mis</b> [1] - 645:2  <b>mis-memory</b> [1] - 645:2  <b>misheard</b> [1] - 664:18  <b>mishegas</b> [1] - 515:16  <b>mislead</b> [2] - 514:17, 515:2  <b>misleading</b> [1] - 529:9  <b>mistake</b> [4] - 501:14, 607:8, 665:2, 665:9</p>	<p><b>mistaken</b> [1] - 664:8  <b>mistakes</b> [1] - 665:10  <b>moment</b> [3] - 470:15, 495:23, 512:13  <b>Monday</b> [11] - 536:14, 536:15, 536:22, 546:24, 558:9, 615:17, 621:18, 621:25, 622:4, 622:8, 623:2  <b>money</b> [18] - 524:2, 536:25, 537:2, 537:3, 537:4, 537:15, 621:6, 621:9, 622:5, 622:6, 622:9, 622:20, 622:24, 623:2, 623:3, 623:5, 623:8, 666:4  <b>month</b> [1] - 556:3  <b>months</b> [1] - 608:2  <b>Moore</b> [6] - 466:18, 466:20, 467:2, 467:3, 476:17  <b>morning</b> [11] - 475:24, 476:6, 476:7, 477:13, 477:14, 509:22, 546:24, 558:9, 582:13, 638:6, 666:25  <b>most</b> [8] - 480:16, 500:8, 569:1, 576:7, 576:10, 595:3, 596:1, 600:18  <b>motion</b> [1] - 472:12  <b>motions</b> [1] - 510:4  <b>mouth</b> [7] - 544:5, 544:20, 565:15, 592:6, 637:6, 646:23, 647:20  <b>move</b> [11] - 508:16, 515:5, 515:25, 516:24, 553:6, 567:11, 577:13, 594:15, 597:13, 624:3, 627:10  <b>moved</b> [4] - 488:23, 489:6, 534:22, 567:11  <b>moving</b> [3] - 471:3, 488:22, 571:2  <b>MR</b> [474] - 466:7, 466:12, 466:25, 467:1, 467:3, 467:7, 467:12, 467:17, 467:23, 468:20, 470:4, 470:15, 470:19, 470:21, 471:2, 471:11, 472:1, 473:1, 473:7, 473:14, 473:23, 474:4, 474:10, 474:13, 474:18, 474:20, 474:25, 475:1, 475:6, 475:8, 475:13, 475:16, 475:20, 475:22, 475:23, 476:3, 476:12, 477:12, 479:9, 479:11, 479:14, 484:1, 484:5, 484:10, 484:11, 488:6, 488:10, 488:13, 488:17, 488:21, 489:2, 489:4, 489:11, 489:15, 489:18, 489:21, 490:1, 490:2, 491:8, 491:10, 491:14, 493:5, 493:7, 493:10, 493:18, 494:10, 494:13, 494:20, 494:22, 495:22, 495:25, 496:3, 496:7, 496:17, 497:1, 497:20, 501:21, 501:24, 502:3, 502:5, 503:2, 503:7, 503:11, 504:2, 505:1, 505:3, 505:7, 505:11, 505:14, 508:6, 508:9, 508:12, 508:17, 509:7, 509:11, 509:13,</p>	<p>509:14, 509:16, 509:17, 509:25, 510:5, 510:7, 510:14, 510:24, 511:10, 511:13, 511:23, 512:8, 512:13, 512:24, 513:1, 513:4, 513:19, 513:22, 514:1, 514:4, 514:6, 514:11, 514:12, 514:20, 515:2, 515:8, 516:2, 516:6, 516:14, 516:18, 516:21, 516:23, 517:2, 517:4, 518:2, 518:4, 518:5, 518:7, 518:16, 519:2, 523:8, 523:11, 523:15, 524:7, 524:12, 524:15, 524:17, 524:19, 524:21, 525:1, 529:7, 529:9, 529:21, 539:13, 539:17, 540:1, 540:3, 541:2, 541:4, 541:7, 543:6, 547:5, 547:7, 547:15, 547:20, 548:4, 548:13, 548:17, 549:16, 552:21, 553:6, 553:8, 554:2, 554:10, 554:18, 554:20, 555:2, 555:7, 555:12, 556:17, 556:19, 556:23, 559:8, 559:9, 560:9, 560:18, 561:24, 562:1, 562:4, 562:12, 562:14, 562:15, 563:5, 564:3, 564:4, 564:7, 564:10, 564:11, 567:5, 567:7, 567:13, 567:16, 567:17, 568:9, 568:12, 569:3, 569:7, 569:8, 569:10, 569:13, 569:17, 569:18, 569:20, 569:22, 570:4, 570:6, 570:10, 570:17, 571:16, 571:20, 571:21, 572:19, 572:23, 573:3, 573:5, 573:9, 573:13, 573:14, 573:19, 574:6, 574:18, 574:23, 574:25, 575:2, 575:4, 575:8, 575:21, 577:19, 578:14, 579:11, 579:13, 580:22, 580:24, 581:2, 581:5, 582:8, 582:10, 582:14, 582:16, 582:20, 582:23, 583:18, 584:1, 584:7, 584:12, 584:17, 586:3, 586:5, 586:7, 586:9, 587:2, 587:6, 587:13, 587:15, 587:19, 588:2, 588:5, 589:21, 589:23, 590:1, 590:3, 591:16, 591:18, 592:14, 592:15, 592:17, 593:5, 593:8, 593:20, 594:10, 594:14, 594:16, 594:20, 594:23, 596:9, 596:11, 596:15, 596:16, 597:12, 597:16, 597:20, 597:22, 597:25, 598:3, 598:15, 598:18, 599:6, 599:9, 600:17, 600:21, 601:1, 601:3, 601:4, 601:17, 601:20, 601:23, 601:25, 602:3, 602:5, 602:6, 603:3, 603:4, 604:2, 605:6, 605:14, 606:6, 607:13, 608:9, 608:11, 608:24, 609:2, 609:4, 609:9, 610:2, 610:4, 610:8, 610:10, 610:12, 610:13, 610:16, 610:20, 610:22, 611:1, 611:13, 611:15, 611:25,</p>	<p>612:11, 612:21, 612:23, 613:9, 613:19, 613:21, 613:25, 614:2, 614:19, 616:8, 616:16, 616:23, 617:1, 617:4, 617:8, 617:18, 617:22, 618:1, 618:2, 619:2, 619:5, 619:8, 619:9, 620:2, 621:13, 624:10, 624:13, 624:23, 626:19, 626:21, 627:7, 627:8, 627:9, 627:10, 627:12, 627:18, 627:20, 627:21, 627:24, 628:1, 628:4, 628:8, 628:11, 628:25, 629:7, 629:12, 629:15, 629:23, 630:1, 630:7, 630:20, 630:21, 630:24, 631:12, 631:16, 631:19, 631:22, 632:2, 632:4, 632:12, 632:19, 633:1, 633:19, 634:5, 634:9, 634:11, 634:16, 634:18, 635:11, 635:12, 635:16, 635:18, 635:19, 636:19, 636:22, 638:2, 638:5, 640:1, 640:3, 640:24, 641:6, 641:8, 641:15, 644:21, 644:23, 648:4, 649:2, 649:9, 649:13, 649:17, 650:8, 650:21, 651:15, 651:17, 652:20, 653:3, 653:6, 655:4, 655:6, 655:8, 655:9, 655:16, 655:24, 656:2, 656:8, 656:11, 657:2, 657:4, 657:13, 658:25, 659:2, 659:6, 659:9, 659:13, 659:19, 659:23, 660:1, 661:11, 661:13, 661:14, 662:13, 662:15, 662:18, 663:7, 664:2, 664:12, 664:14, 664:16, 664:19, 665:8, 665:12, 665:13, 666:21, 667:7, 667:8, 668:3, 668:5, 668:6, 668:7, 668:9, 668:11, 668:12  <b>multiple</b> [2] - 503:2, 503:10  <b>must</b> [1] - 581:15</p>
<b>N</b>			
<p><b>name</b> [9] - 472:3, 476:24, 479:5, 518:21, 527:19, 627:4, 650:16, 650:17, 651:11  <b>named</b> [1] - 482:14  <b>narrowed</b> [1] - 582:17  <b>nature</b> [3] - 504:24, 572:18, 628:23  <b>near</b> [1] - 631:19  <b>necessarily</b> [2] - 578:4, 654:2  <b>necessary</b> [4] - 483:18, 563:12, 578:20, 637:2  <b>need</b> [17] - 466:6, 475:21, 479:16, 484:5, 509:17, 514:8, 516:23, 521:8, 564:22, 567:15, 570:4, 570:9, 577:16, 577:20, 577:22, 632:7, 655:25  <b>needed</b> [3] - 551:2, 615:9  <b>needs</b> [1] - 504:5  <b>negative</b> [1] - 654:23</p>			

<p><b>negligence</b> <sup>[1]</sup> - 481:10</p> <p><b>negligent</b> <sup>[2]</sup> - 501:12, 604:17</p> <p><b>nervous</b> <sup>[6]</sup> - 492:15, 492:17, 492:19, 492:23, 492:25, 493:1</p> <p><b>neutralizing</b> <sup>[3]</sup> - 605:20, 605:22, 605:23</p> <p><b>never</b> <sup>[34]</sup> - 468:21, 469:6, 469:13, 469:16, 470:12, 470:13, 470:24, 471:7, 471:22, 473:5, 479:5, 483:10, 493:22, 519:3, 519:5, 533:12, 537:11, 538:3, 538:6, 538:8, 554:13, 566:8, 576:15, 580:4, 580:10, 582:6, 585:22, 612:4, 623:4, 631:7, 631:8, 642:16, 642:19, 653:8</p> <p><b>new</b> <sup>[4]</sup> - 581:22, 644:10, 644:13, 654:12</p> <p><b>NEW</b> <sup>[1]</sup> - 465:1</p> <p><b>New</b> <sup>[9]</sup> - 465:15, 465:17, 465:20, 465:23, 471:13, 527:22, 627:21</p> <p><b>next</b> <sup>[9]</sup> - 476:11, 488:19, 536:12, 560:25, 581:3, 585:11, 594:17, 621:17, 621:25</p> <p><b>nice</b> <sup>[1]</sup> - 653:14</p> <p><b>night</b> <sup>[3]</sup> - 585:17, 585:21, 667:3</p> <p><b>nobody</b> <sup>[5]</sup> - 492:10, 567:10, 590:16, 640:20, 640:22</p> <p><b>none</b> <sup>[1]</sup> - 467:13</p> <p><b>normal</b> <sup>[4]</sup> - 480:5, 565:17, 604:15, 629:13</p> <p><b>normally</b> <sup>[2]</sup> - 578:5, 581:16</p> <p><b>note</b> <sup>[2]</sup> - 516:2, 560:21</p> <p><b>noted</b> <sup>[1]</sup> - 466:4</p> <p><b>nothing</b> <sup>[16]</sup> - 466:13, 540:3, 548:14, 556:19, 566:13, 566:15, 590:18, 591:9, 591:13, 592:3, 598:24, 610:18, 637:18, 637:22, 644:9, 660:7</p> <p><b>notice</b> <sup>[6]</sup> - 497:21, 546:19, 558:17, 568:3, 627:16, 665:14</p> <p><b>noticed</b> <sup>[3]</sup> - 544:4, 544:6, 653:1</p> <p><b>November</b> <sup>[3]</sup> - 522:15, 551:18, 661:17</p> <p><b>novices</b> <sup>[1]</sup> - 483:10</p> <p><b>nowhere</b> <sup>[1]</sup> - 554:4</p> <p><b>number</b> <sup>[7]</sup> - 489:24, 512:25, 528:23, 549:5, 569:7, 582:15, 588:22</p> <p><b>numerous</b> <sup>[1]</sup> - 472:4</p> <p><b>NY</b> <sup>[1]</sup> - 465:5</p>	<p>587:9, 593:5, 597:12, 598:15, 601:17, 617:4, 627:12, 632:20, 656:8, 665:8</p> <p><b>objected</b> <sup>[1]</sup> - 512:2</p> <p><b>Objection</b> <sup>[2]</sup> - 496:17, 626:19</p> <p><b>objection</b> <sup>[144]</sup> - 466:10, 466:24, 467:1, 469:8, 471:5, 474:14, 474:17, 479:8, 479:9, 484:1, 488:17, 489:16, 491:5, 493:5, 493:10, 493:18, 494:10, 494:20, 496:2, 496:3, 501:21, 502:3, 502:4, 505:1, 505:7, 505:11, 508:6, 508:7, 508:12, 508:14, 509:7, 510:17, 510:20, 511:12, 515:13, 516:17, 516:22, 523:8, 524:10, 529:7, 529:8, 529:21, 540:1, 540:2, 543:6, 547:5, 547:15, 548:4, 549:16, 555:10, 557:11, 562:12, 563:5, 564:2, 564:7, 567:5, 567:7, 567:13, 568:9, 569:3, 569:15, 569:16, 569:18, 569:21, 569:23, 570:3, 571:16, 571:21, 573:3, 573:9, 574:18, 574:23, 575:8, 575:21, 578:14, 579:11, 580:22, 581:2, 582:8, 584:7, 584:17, 586:3, 586:4, 586:9, 587:5, 587:6, 589:21, 589:22, 591:16, 592:14, 592:17, 594:10, 594:20, 596:9, 597:20, 599:6, 605:6, 605:14, 606:6, 607:13, 608:9, 608:24, 609:4, 610:2, 610:8, 610:16, 610:20, 611:1, 611:13, 611:15, 611:25, 612:11, 612:21, 613:9, 613:19, 613:25, 614:19, 616:8, 616:23, 621:13, 624:10, 627:7, 632:15, 634:8, 635:16, 636:19, 638:2, 640:1, 641:6, 641:15, 644:21, 651:15, 652:20, 653:3, 655:4, 655:24, 658:25, 659:6, 659:13, 659:19, 659:23, 661:11, 662:13</p> <p><b>objections</b> <sup>[8]</sup> - 467:10, 469:1, 503:8, 515:12, 557:9, 557:13, 649:3, 649:10</p> <p><b>objects</b> <sup>[1]</sup> - 632:6</p> <p><b>observations</b> <sup>[1]</sup> - 546:14</p> <p><b>observe</b> <sup>[6]</sup> - 533:8, 652:5, 652:7, 652:9, 652:18, 653:16</p> <p><b>observed</b> <sup>[3]</sup> - 472:22, 528:24, 534:11</p> <p><b>obviously</b> <sup>[7]</sup> - 510:9, 518:13, 557:14, 558:15, 558:22, 628:20, 632:10</p> <p><b>occasion</b> <sup>[4]</sup> - 652:11, 653:18, 653:19, 654:16</p> <p><b>occasions</b> <sup>[2]</sup> - 491:23, 503:3</p> <p><b>occur</b> <sup>[1]</sup> - 646:10</p> <p><b>occurred</b> <sup>[18]</sup> - 489:1, 491:1, 503:1, 504:1, 513:6, 548:19, 587:1, 588:1, 603:1, 604:1,</p>	<p>619:1, 620:1, 628:5, 631:24, 649:1, 650:1, 664:1, 665:1</p> <p><b>occurs</b> <sup>[1]</sup> - 579:21</p> <p><b>October</b> <sup>[4]</sup> - 465:8, 627:22, 628:6, 630:2</p> <p><b>odd</b> <sup>[1]</sup> - 653:22</p> <p><b>OF</b> <sup>[2]</sup> - 465:1, 465:10</p> <p><b>offended</b> <sup>[2]</sup> - 531:23, 531:24</p> <p><b>offensive</b> <sup>[1]</sup> - 535:21</p> <p><b>office</b> <sup>[9]</sup> - 554:22, 554:23, 555:6, 584:2, 584:21, 589:2, 607:9, 609:13, 626:16</p> <p><b>Official</b> <sup>[1]</sup> - 465:22</p> <p><b>often</b> <sup>[3]</sup> - 579:8, 579:14, 655:17</p> <p><b>old</b> <sup>[2]</sup> - 508:24, 601:12</p> <p><b>once</b> <sup>[5]</sup> - 469:8, 477:21, 550:22, 638:21, 650:12</p> <p><b>one</b> <sup>[79]</sup> - 467:7, 467:25, 470:15, 473:2, 473:7, 473:13, 473:15, 473:18, 473:20, 478:13, 479:3, 486:11, 489:14, 491:6, 491:11, 496:14, 499:19, 499:24, 500:5, 508:4, 509:11, 509:18, 513:24, 514:2, 516:14, 525:11, 526:2, 529:4, 530:11, 535:18, 542:16, 544:3, 556:9, 556:10, 557:15, 564:4, 564:5, 564:9, 568:20, 574:4, 574:21, 576:13, 577:6, 579:9, 580:6, 581:16, 582:12, 582:14, 586:8, 588:6, 589:4, 589:5, 590:10, 593:4, 598:7, 598:23, 600:3, 610:14, 612:19, 614:8, 618:3, 626:12, 631:9, 631:10, 631:11, 633:11, 633:16, 633:17, 633:21, 633:23, 633:24, 634:1, 634:15, 639:11, 647:5, 656:7, 661:25, 663:8</p> <p><b>one-page</b> <sup>[1]</sup> - 491:6</p> <p><b>one-sided</b> <sup>[1]</sup> - 626:12</p> <p><b>ones</b> <sup>[2]</sup> - 510:23, 627:17</p> <p><b>online</b> <sup>[2]</sup> - 625:22, 627:3</p> <p><b>open</b> <sup>[11]</sup> - 491:1, 504:1, 528:13, 542:1, 556:1, 588:1, 604:1, 609:21, 620:1, 650:1, 665:1</p> <p><b>opened</b> <sup>[2]</sup> - 558:1, 647:7</p> <p><b>opening</b> <sup>[1]</sup> - 599:2</p> <p><b>opens</b> <sup>[3]</sup> - 645:12, 645:20, 645:23</p> <p><b>operation</b> <sup>[2]</sup> - 521:23, 523:4</p> <p><b>opinion</b> <sup>[5]</sup> - 468:1, 477:23, 478:12, 483:2, 629:8</p> <p><b>opportunity</b> <sup>[4]</sup> - 472:12, 500:23, 572:17, 651:18</p> <p><b>opposites</b> <sup>[1]</sup> - 487:14</p> <p><b>order</b> <sup>[16]</sup> - 467:14, 467:16, 471:4, 471:10, 471:12, 505:5, 511:25, 518:12, 518:13, 535:15, 537:2, 557:17, 579:18, 581:11, 581:14, 659:17</p> <p><b>ordered</b> <sup>[2]</sup> - 552:11, 552:14</p>	<p><b>Orelana</b> <sup>[6]</sup> - 519:19, 519:20, 519:21, 543:12, 543:24, 567:19</p> <p><b>Orellana's</b> <sup>[1]</sup> - 543:17</p> <p><b>Orellana</b> <sup>[5]</sup> - 484:3, 617:14, 641:14, 642:8, 658:11</p> <p><b>Orellana's</b> <sup>[1]</sup> - 632:11</p> <p><b>orientation</b> <sup>[8]</sup> - 595:24, 596:5, 599:4, 599:11, 599:15, 606:10, 654:24, 655:2</p> <p><b>otherwise</b> <sup>[1]</sup> - 646:10</p> <p><b>outweighed</b> <sup>[1]</sup> - 559:3</p> <p><b>overinclusive</b> <sup>[1]</sup> - 472:20</p> <p><b>overly</b> <sup>[2]</sup> - 545:23, 546:10</p> <p><b>overrule</b> <sup>[1]</sup> - 471:5</p> <p><b>overruled</b> <sup>[11]</sup> - 547:19, 548:7, 557:13, 590:2, 591:20, 611:20, 624:12, 641:16, 652:21, 653:4, 655:5</p> <p><b>overruling</b> <sup>[1]</sup> - 474:17</p> <p><b>oversight</b> <sup>[2]</sup> - 473:10, 473:19</p> <p><b>Owen</b> <sup>[1]</sup> - 547:22</p> <p><b>own</b> <sup>[1]</sup> - 591:18</p> <p><b>owned</b> <sup>[1]</sup> - 666:3</p> <p><b>owner</b> <sup>[3]</sup> - 474:7, 535:12, 654:6</p> <p><b>owns</b> <sup>[1]</sup> - 496:19</p>
<b>O</b>			
<p><b>o'clock</b> <sup>[1]</sup> - 468:24</p> <p><b>oath</b> <sup>[5]</sup> - 522:17, 553:4, 560:6, 594:5, 657:10</p> <p><b>object</b> <sup>[22]</sup> - 467:12, 469:19, 469:20, 471:21, 488:7, 488:21, 553:8, 572:19, 573:14, 583:18,</p>			<p><b>P.C</b> <sup>[1]</sup> - 465:19</p> <p><b>p.m</b> <sup>[2]</sup> - 631:23, 667:9</p> <p><b>package</b> <sup>[1]</sup> - 564:3</p> <p><b>page</b> <sup>[106]</sup> - 478:3, 487:18, 488:25, 490:3, 491:6, 500:17, 500:24, 502:7, 503:13, 509:11, 509:13, 509:16, 509:25, 511:3, 511:4, 512:7, 512:8, 512:10, 512:11, 512:15, 512:22, 512:23, 512:24, 513:9, 513:10, 514:8, 517:7, 522:21, 526:14, 526:15, 530:4, 530:20, 534:15, 538:21, 539:21, 550:14, 560:10, 560:11, 560:12, 560:20, 561:15, 561:25, 562:1, 564:9, 581:6, 581:15, 581:17, 581:20, 581:21, 581:22, 581:25, 582:1, 582:2, 582:7, 582:24, 583:2, 583:5, 583:7, 583:8, 583:13, 583:15, 583:16, 584:14, 584:22, 585:11, 586:11, 587:23, 588:15, 590:24, 592:24, 599:13, 600:10, 600:11, 601:13, 601:25, 602:4, 602:7, 602:9, 603:5, 604:8, 604:14, 617:17, 618:6, 619:13, 634:6, 634:15, 635:3, 635:4, 635:6, 635:10, 635:16, 639:1, 642:25, 643:1, 643:3, 643:5, 647:12, 648:6, 649:18, 658:4, 663:10, 664:20, 668:17</p> <p><b>pages</b> <sup>[4]</sup> - 509:14, 514:15,</p>



<p>564:5, 581:13  <b>paid</b> [9] - 523:22, 524:2, 552:9, 621:19, 621:20, 621:24, 622:3, 622:24, 666:4  <b>paired</b> [1] - 644:7  <b>panicked</b> [1] - 510:15  <b>pants</b> [2] - 468:10, 468:11  <b>parachute</b> [11] - 483:15, 483:17, 483:19, 483:24, 484:15, 645:9, 645:11, 645:12, 645:16, 645:22, 647:7  <b>Parachute</b> [1] - 491:22  <b>parachuters</b> [1] - 488:3  <b>parachuting</b> [1] - 483:3  <b>paragraph</b> [18] - 488:19, 491:24, 492:3, 494:23, 500:9, 500:12, 500:15, 500:20, 500:23, 501:10, 501:18, 502:1, 504:3, 504:15, 504:17, 504:23, 505:5, 521:6  <b>part</b> [18] - 489:10, 489:12, 491:3, 491:6, 499:2, 504:8, 563:7, 563:10, 565:25, 569:6, 582:7, 582:17, 590:8, 611:19, 612:1, 615:3, 619:6, 664:11  <b>particular</b> [6] - 558:15, 578:5, 584:14, 611:8, 612:19, 661:3  <b>parties</b> [2] - 494:24, 495:1  <b>passenger</b> [24] - 478:13, 495:12, 499:10, 499:25, 500:23, 501:1, 501:10, 504:21, 505:4, 506:17, 506:20, 564:15, 577:12, 577:23, 579:1, 580:11, 637:6, 637:10, 643:22, 646:21, 646:22, 647:17, 647:19, 660:6  <b>passenger's</b> [5] - 505:25, 576:19, 637:6, 646:23, 647:19  <b>passenger/student</b> [1] - 484:19  <b>passengers</b> [18] - 468:5, 483:6, 483:9, 483:13, 486:23, 505:15, 561:4, 561:18, 562:10, 562:13, 562:16, 564:19, 567:18, 576:19, 594:18, 599:4, 639:7, 653:17  <b>passengers's</b> [1] - 637:22  <b>past</b> [1] - 566:16  <b>patents</b> [1] - 482:24  <b>pathetic</b> [2] - 514:6, 585:14  <b>patient</b> [2] - 515:24, 649:2  <b>pause</b> [2] - 495:24, 650:10  <b>pay</b> [13] - 482:11, 501:19, 552:7, 552:8, 621:10, 621:23, 622:3, 622:10, 622:19, 622:20, 623:9, 662:11, 662:20  <b>paycheck</b> [1] - 622:18  <b>payday</b> [2] - 621:20, 623:1  <b>paying</b> [1] - 482:8  <b>payroll</b> [5] - 621:16, 621:21, 622:15, 622:21, 623:6  <b>people</b> [39] - 472:16, 472:17, 472:21, 478:5, 483:18, 485:6,</p>	<p>486:10, 492:9, 494:1, 508:10, 515:9, 543:19, 543:22, 561:9, 563:17, 563:21, 568:18, 568:21, 569:1, 576:7, 576:17, 581:23, 582:2, 582:3, 584:2, 584:21, 588:8, 590:15, 592:5, 592:21, 592:22, 596:1, 598:8, 625:4, 625:6, 626:10, 637:15, 660:3  <b>people's</b> [1] - 616:11  <b>per</b> [1] - 661:18  <b>perfect</b> [9] - 483:24, 484:12, 484:15, 484:19, 484:24, 485:2, 485:3, 548:12, 610:14  <b>period</b> [2] - 613:6, 623:22  <b>permitted</b> [2] - 593:11, 593:12  <b>permitting</b> [1] - 472:9  <b>person</b> [33] - 468:22, 471:6, 486:11, 486:12, 492:21, 492:22, 494:17, 500:8, 521:25, 522:11, 523:4, 523:17, 533:2, 533:5, 562:22, 562:23, 563:13, 563:14, 565:8, 572:16, 572:24, 573:25, 574:1, 574:16, 574:21, 576:9, 586:8, 588:6, 612:19, 613:2, 630:25, 637:2  <b>personal</b> [25] - 512:9, 512:11, 512:20, 512:21, 512:23, 527:24, 528:2, 528:5, 538:16, 582:2, 582:7, 584:24, 585:2, 585:3, 585:4, 585:5, 585:9, 585:24, 597:10, 597:18, 640:8, 640:16, 644:13  <b>personally</b> [2] - 479:6, 651:18  <b>pertaining</b> [1] - 584:5  <b>ph</b> [1] - 467:9  <b>phone</b> [6] - 475:12, 475:17, 537:9, 551:1, 556:5, 615:4  <b>physical</b> [10] - 493:8, 493:14, 498:19, 499:11, 504:10, 520:5, 520:20, 521:12, 528:8, 563:10  <b>physically</b> [1] - 492:12  <b>physician</b> [1] - 487:19  <b>pick</b> [1] - 654:21  <b>picked</b> [2] - 552:5, 622:10  <b>picture</b> [10] - 511:11, 514:2, 534:11, 534:22, 535:2, 561:9, 567:1, 582:24, 584:23, 637:21  <b>pictures</b> [12] - 511:2, 567:22, 568:4, 568:8, 568:14, 569:2, 569:4, 569:22, 570:5, 570:7, 636:23  <b>pin</b> [2] - 472:19, 645:20  <b>place</b> [6] - 466:1, 540:7, 553:12, 565:22, 615:14, 644:2  <b>placed</b> [2] - 532:19, 561:19  <b>placement</b> [1] - 468:15  <b>places</b> [2] - 472:4, 576:13  <b>placing</b> [1] - 611:4  <b>Plaintiff</b> [18] - 465:4, 465:14, 478:24, 479:13, 491:13, 496:6,</p>	<p>524:23, 560:12, 570:15, 582:22, 634:17, 668:15, 668:15, 668:16, 668:16, 668:17, 668:17, 668:18  <b>plaintiff</b> [2] - 495:19, 518:16  <b>Plaintiffs</b> [3] - 520:25, 524:9, 633:9  <b>plaintiffs</b> [10] - 476:19, 479:12, 489:2, 491:3, 495:25, 512:18, 626:23, 627:11, 627:25, 628:1  <b>plaintiffs</b> [1] - 476:13  <b>plane</b> [28] - 473:25, 519:25, 523:22, 525:21, 527:6, 527:16, 528:7, 528:10, 528:19, 528:24, 532:3, 533:8, 533:12, 533:18, 533:20, 545:18, 546:19, 570:25, 571:9, 571:11, 634:20, 637:15, 651:22, 652:16, 652:17, 652:22, 654:13, 654:18  <b>play</b> [3] - 496:5, 524:9, 526:12  <b>played</b> [8] - 496:24, 497:5, 497:18, 497:23, 498:8, 524:14, 524:25, 660:15  <b>playing</b> [1] - 575:7  <b>Plaza</b> [1] - 465:23  <b>point</b> [29] - 470:1, 471:15, 475:23, 479:10, 479:16, 487:8, 492:3, 526:2, 526:21, 535:18, 536:8, 549:23, 554:18, 555:2, 555:4, 570:5, 570:9, 587:6, 598:19, 600:3, 606:23, 624:3, 624:24, 625:8, 628:18, 647:1, 649:14, 661:9, 665:14  <b>pointing</b> [3] - 468:3, 543:11, 585:12  <b>points</b> [8] - 575:10, 575:13, 575:15, 575:16, 576:2, 576:6, 577:8, 578:25  <b>polar</b> [1] - 487:14  <b>portion</b> [7] - 487:23, 510:5, 583:12, 593:13, 600:24, 611:16, 638:8  <b>portrayed</b> [1] - 470:7  <b>pose</b> [3] - 534:11, 567:6, 567:9  <b>position</b> [6] - 469:7, 469:16, 474:21, 617:9, 646:21, 647:17  <b>possible</b> [6] - 515:10, 515:12, 564:20, 607:23, 609:11, 636:13  <b>possibly</b> [1] - 498:16  <b>post</b> [1] - 582:2  <b>posted</b> [2] - 512:15, 630:2  <b>posting</b> [3] - 513:7, 513:13, 583:9  <b>potential</b> [6] - 482:8, 483:6, 483:9, 500:22, 504:12, 505:4  <b>pre</b> [1] - 576:7  <b>pre-adjusted</b> [1] - 576:7  <b>preclude</b> [2] - 471:3, 472:13  <b>precluded</b> [1] - 472:5  <b>predict</b> [1] - 493:22  <b>prefer</b> [1] - 653:20</p>	<p><b>preferably</b> [1] - 501:1  <b>preference</b> [3] - 474:22, 539:3, 587:15  <b>preferred</b> [1] - 548:2  <b>prejudice</b> [1] - 559:3  <b>prejudicial</b> [1] - 554:20  <b>prepared</b> [2] - 514:15, 555:5  <b>presence</b> [2] - 541:1, 554:1  <b>presentation</b> [1] - 666:24  <b>presented</b> [2] - 468:8, 582:24  <b>presenting</b> [1] - 613:23  <b>presently</b> [1] - 519:9  <b>pretrial</b> [8] - 467:14, 467:16, 471:4, 471:10, 471:12, 471:17, 511:25, 522:4  <b>pretty</b> [2] - 527:7, 548:22  <b>previous</b> [1] - 618:2  <b>previously</b> [4] - 466:4, 543:16, 560:14, 600:19  <b>prices</b> [1] - 626:2  <b>probative</b> [5] - 558:16, 558:20, 559:2, 630:4, 630:19  <b>problem</b> [4] - 474:10, 489:18, 511:6, 590:15  <b>procedure</b> [1] - 474:2  <b>proceed</b> [2] - 476:9, 477:4  <b>Proceedings</b> [1] - 465:25  <b>proceedings</b> [2] - 495:24, 650:10  <b>process</b> [4] - 480:10, 480:17, 564:20, 573:7  <b>produced</b> [2] - 465:25, 495:19  <b>professional</b> [1] - 560:23  <b>promptly</b> [1] - 649:15  <b>proper</b> [5] - 486:23, 491:18, 511:13, 629:1, 629:4  <b>provide</b> [2] - 470:23, 570:9  <b>provided</b> [2] - 557:23, 558:19  <b>proximity</b> [8] - 504:9, 520:5, 520:20, 521:11, 528:8, 546:4, 563:19, 647:3  <b>public</b> [4] - 581:24, 581:25, 584:2, 629:8  <b>pucker</b> [1] - 526:2  <b>pulls</b> [1] - 645:19  <b>purchased</b> [1] - 496:22  <b>purposes</b> [1] - 554:5  <b>pursing</b> [2] - 638:9, 638:12  <b>put</b> [18] - 466:13, 468:12, 469:5, 472:24, 473:11, 473:16, 492:20, 499:11, 500:1, 512:13, 513:10, 521:11, 554:10, 566:23, 576:8, 576:22, 577:1, 577:7  <b>puts</b> [2] - 577:25, 625:16  <b>putting</b> [5] - 546:12, 563:8, 565:14, 620:9, 636:24</p>
<b>Q</b>			
<p><b>questioned</b> [3] - 511:16,</p>			

<p>532:20, 532:22  <b>questioning</b> [12] - 484:2,  548:18, 549:11, 549:14,  551:13, 558:2, 558:4, 558:6,  587:17, 598:16, 656:9, 659:8  <b>questions</b> [40] - 477:8, 479:15,  515:13, 516:9, 516:25, 526:20,  530:17, 534:19, 535:4, 538:24,  539:7, 539:13, 550:18, 554:8,  556:17, 558:25, 583:25,  584:11, 591:6, 594:8, 596:17,  598:1, 601:15, 604:19, 615:5,  618:3, 620:17, 629:12, 630:9,  631:13, 634:12, 639:17,  647:25, 657:2, 657:5, 658:16,  659:24, 665:3, 666:21  <b>quicker</b> [2] - 516:1, 624:20  <b>quickly</b> [2] - 515:6, 594:9  <b>quite</b> [1] - 627:20  <b>quote</b> [6] - 468:18, 481:23,  482:1, 497:10, 576:21, 660:24  <b>quote-unquote</b> [4] - 468:18,  497:10, 576:21, 660:24</p>	<p>488:18, 522:23, 546:6, 587:7,  593:18, 593:19, 597:13  <b>ready</b> [3] - 476:9, 518:1, 525:21  <b>realize</b> [2] - 537:1, 629:21  <b>realized</b> [2] - 532:8, 536:24  <b>really</b> [14] - 529:24, 546:20,  550:1, 552:12, 568:6, 576:4,  590:21, 615:21, 654:9, 655:19,  662:22, 662:23, 662:25, 666:1  <b>reason</b> [6] - 472:17, 472:24,  499:6, 560:24, 608:3, 666:9  <b>reasonable</b> [12] - 565:7, 573:1,  573:6, 612:17, 612:25, 657:15,  657:20, 657:25, 658:6, 658:10,  659:16, 659:20  <b>reasonableness</b> [1] - 573:11  <b>reasons</b> [4] - 473:16, 515:22,  557:14, 664:17  <b>reassure</b> [2] - 535:24, 535:25  <b>receive</b> [2] - 532:17, 557:17  <b>received</b> [7] - 509:5, 520:24,  524:23, 557:18, 557:19, 586:1,  609:13  <b>recent</b> [2] - 480:16, 608:14  <b>recently</b> [2] - 468:9, 590:11  <b>recess</b> [5] - 513:5, 513:6,  559:10, 631:23, 631:24  <b>recognize</b> [13] - 478:25, 495:16,  497:2, 508:22, 508:25, 552:25,  553:1, 564:12, 570:18, 571:4,  626:23, 633:9, 633:12  <b>recognized</b> [1] - 495:15  <b>recollect</b> [1] - 653:18  <b>recollection</b> [8] - 511:5, 587:21,  588:13, 601:24, 604:25,  614:15, 616:18, 639:2  <b>recommend</b> [2] - 624:24,  624:25  <b>recommended</b> [2] - 624:2,  624:8  <b>recommends</b> [3] - 487:19,  488:3, 492:9  <b>reconvene</b> [2] - 557:2, 559:7  <b>record</b> [12] - 466:14, 472:24,  473:16, 474:9, 476:25, 489:17,  516:20, 518:22, 547:23, 564:9,  570:9, 650:17  <b>recorded</b> [2] - 465:25, 483:5  <b>records</b> [7] - 474:8, 512:3,  512:5, 594:18, 662:22, 662:25,  663:6  <b>REDIRECT</b> [2] - 548:16, 668:7  <b>refer</b> [7] - 522:21, 530:4, 530:20,  534:14, 538:15, 538:21, 616:11  <b>reference</b> [1] - 538:16  <b>referencing</b> [1] - 546:11  <b>referred</b> [5] - 497:13, 521:22,  641:13, 642:3, 642:4  <b>referring</b> [4] - 522:6, 575:12,  641:22, 642:1  <b>refresh</b> [3] - 511:5, 587:21,</p>	<p>588:12  <b>refreshes</b> [1] - 639:1  <b>refund</b> [1] - 537:17  <b>refunded</b> [1] - 537:15  <b>regard</b> [4] - 469:3, 469:22,  472:2, 521:21  <b>regarding</b> [9] - 470:13, 473:19,  513:10, 558:2, 558:4, 558:12,  628:15, 659:25, 665:3  <b>regardless</b> [1] - 580:15  <b>regular</b> [2] - 556:10, 601:12  <b>rehashing</b> [1] - 503:9  <b>related</b> [2] - 545:16, 606:14  <b>relates</b> [1] - 618:3  <b>relationship</b> [6] - 512:16,  521:21, 522:1, 522:11, 523:18,  558:21  <b>relax</b> [2] - 636:15, 636:16  <b>relay</b> [4] - 542:22, 542:25,  543:4, 543:10  <b>relayed</b> [2] - 547:9, 547:10  <b>release</b> [32] - 478:14, 478:20,  480:8, 481:3, 481:8, 482:2,  486:2, 486:4, 486:7, 486:11,  486:15, 486:25, 487:3, 487:18,  488:15, 489:10, 489:12,  489:13, 489:25, 491:4, 491:5,  492:18, 492:20, 493:3, 494:23,  500:15, 501:2, 502:2, 506:3,  545:7, 563:14, 574:11  <b>releases</b> [2] - 501:10, 645:20  <b>relevance</b> [15] - 467:22, 467:23,  469:1, 469:10, 469:20, 469:24,  494:11, 502:5, 553:9, 573:15,  575:22, 586:5, 587:9, 598:16  <b>relevant</b> [4] - 470:1, 510:20,  512:17, 513:11  <b>rely</b> [3] - 532:8, 563:20, 574:13  <b>remain</b> [2] - 476:20, 650:12  <b>remember</b> [54] - 519:14, 520:23,  521:14, 522:4, 522:14, 526:7,  527:13, 527:16, 527:19,  527:23, 529:23, 529:24, 531:2,  531:3, 534:13, 537:7, 538:11,  538:15, 539:6, 549:7, 549:9,  549:13, 549:23, 550:1, 551:6,  551:20, 552:12, 561:6, 600:9,  600:12, 601:7, 601:8, 611:21,  612:15, 612:18, 613:15,  614:13, 615:6, 615:7, 616:14,  633:11, 633:16, 633:17,  633:24, 633:25, 634:2, 634:23,  637:14, 638:24, 651:11,  651:14, 652:22, 656:22  <b>remembered</b> [3] - 549:11,  614:9, 633:21  <b>remembers</b> [2] - 616:12, 616:13  <b>remind</b> [2] - 560:6, 611:12  <b>remotely</b> [1] - 481:5  <b>replacement</b> [2] - 466:18,  532:17</p>	<p><b>reporter</b> [6] - 477:21, 477:23,  547:20, 547:24, 573:19, 624:20  <b>Reporter</b> [1] - 465:22  <b>represent</b> [1] - 564:14  <b>representation</b> [1] - 583:19  <b>representative</b> [2] - 474:5,  476:17  <b>representing</b> [1] - 476:16  <b>reprimand</b> [3] - 595:9, 624:3,  624:9  <b>require</b> [2] - 500:14, 644:4  <b>reservation</b> [2] - 588:8, 626:7  <b>reside</b> [1] - 519:7  <b>respect</b> [7] - 470:10, 471:2,  482:22, 558:4, 558:25, 628:19,  640:11  <b>respond</b> [3] - 471:25, 498:24,  633:6  <b>response</b> [4] - 526:9, 601:18,  602:1  <b>responsible</b> [2] - 481:12,  520:13  <b>rest</b> [3] - 487:25, 488:1, 488:18  <b>result</b> [1] - 481:9  <b>resulted</b> [2] - 604:5, 604:11  <b>retraining</b> [1] - 595:12  <b>return</b> [3] - 475:2, 476:17,  485:14  <b>returned</b> [1] - 516:3  <b>reveal</b> [2] - 599:4, 599:14  <b>review</b> [1] - 629:8  <b>reviewed</b> [4] - 470:11, 470:12,  470:24, 629:6  <b>rich</b> [9] - 497:13, 505:24,  516:24, 623:15, 623:17,  623:18, 623:20, 623:25, 624:1  <b>Rich</b> [6] - 624:2, 624:4, 637:21,  640:4, 640:19, 660:23  <b>RICHARD</b> [1] - 465:16  <b>ride</b> [1] - 507:10  <b>rig</b> [6] - 579:21, 579:22, 635:14,  635:21, 635:23  <b>rights</b> [5] - 480:3, 480:4, 480:9,  481:4, 486:18  <b>rip</b> [1] - 645:20  <b>rise</b> [1] - 515:9  <b>risk</b> [2] - 481:23, 483:14  <b>risks</b> [1] - 500:10  <b>risky</b> [1] - 485:19  <b>Robing</b> [1] - 629:17  <b>room</b> [4] - 470:18, 551:15,  598:10, 598:13  <b>Room</b> [1] - 629:17  <b>Rosana</b> [53] - 467:24, 468:15,  519:19, 520:4, 520:8, 521:16,  521:18, 521:21, 523:23,  525:24, 528:25, 529:4, 532:3,  532:17, 533:5, 533:9, 533:20,  534:6, 534:8, 534:11, 535:9,  535:14, 535:17, 535:23,  535:24, 536:3, 537:11, 538:4,</p>
<b>R</b>			
<p><b>raise</b> [1] - 518:17  <b>raised</b> [1] - 509:19  <b>rather</b> [5] - 474:22, 516:9, 557:2,  587:13, 646:16  <b>Ray</b> [2] - 542:16, 547:1  <b>RAY</b> [1] - 465:7  <b>Ray's</b> [13] - 569:6, 569:14,  569:15, 569:25, 570:12,  570:15, 571:3, 572:1, 572:5,  653:11, 653:13, 668:18  <b>ray's</b> [1] - 569:8  <b>ray@optonline.net</b> [1] - 508:23  <b>Raymond</b> [2] - 476:13, 477:1  <b>RAYMOND</b> [4] - 476:21, 560:13,  668:2, 668:8  <b>reach</b> [1] - 646:16  <b>reaction</b> [1] - 587:4  <b>read</b> [60] - 479:24, 486:2, 486:7,  487:25, 488:18, 491:23,  496:11, 496:12, 500:23, 501:1,  502:1, 504:3, 504:17, 504:23,  505:4, 505:9, 520:10, 521:6,  521:18, 522:25, 523:13,  523:14, 526:18, 539:21,  539:22, 539:25, 542:4, 547:20,  547:22, 547:23, 556:14,  560:19, 562:3, 563:14, 563:22,  567:3, 573:19, 573:21, 574:5,  574:7, 575:6, 583:12, 585:12,  585:13, 588:2, 588:4, 593:13,  600:18, 600:21, 603:2, 617:19,  618:2, 619:4, 619:6, 624:20,  624:22, 629:2, 629:3, 629:17,  638:21  <b>reading</b> [9] - 486:4, 486:24,</p>			

<p>538:7, 538:10, 538:14, 539:10, 542:23, 543:24, 546:1, 546:15, 551:9, 551:11, 552:1, 552:14, 564:24, 565:25, 571:4, 571:6, 580:21, 613:7, 617:14, 638:1, 638:8, 642:17, 642:20, 643:25, 644:18</p> <p><b>Rosana's</b> [3] - 546:25, 570:18, 613:23</p> <p><b>rubbing</b> [1] - 565:15</p> <p><b>rude</b> [2] - 589:2, 652:24</p> <p><b>rule</b> [1] - 541:5</p> <p><b>ruled</b> [2] - 472:11, 587:9</p> <p><b>rules</b> [1] - 471:16</p> <p><b>ruling</b> [2] - 473:4, 514:12</p> <p><b>rulings</b> [1] - 557:8</p> <p><b>rushed</b> [1] - 598:9</p> <p><b>rushing</b> [1] - 598:13</p>	<p>612:5, 622:5, 623:20, 630:20, 630:21, 630:23, 631:9, 631:10, 631:11, 634:1</p> <p><b>seconds</b> [3] - 566:3, 644:25, 645:19</p> <p><b>see</b> [47] - 468:10, 469:9, 469:23, 476:1, 476:7, 476:15, 476:19, 479:6, 487:21, 497:25, 498:3, 498:10, 510:16, 512:17, 513:24, 514:16, 514:24, 526:21, 544:16, 544:22, 565:18, 565:19, 568:8, 570:12, 570:23, 572:2, 583:12, 588:12, 590:24, 596:21, 598:10, 598:13, 600:20, 601:5, 611:11, 611:17, 612:4, 612:6, 620:22, 631:3, 634:7, 635:4, 639:6, 647:4, 652:11, 652:14</p> <p><b>seeing</b> [11] - 630:22, 633:11, 633:16, 633:17, 633:21, 633:24, 633:25, 634:2, 645:25, 646:2, 652:22</p> <p><b>seeking</b> [1] - 472:13</p> <p><b>seem</b> [1] - 512:1</p> <p><b>self</b> [1] - 650:25</p> <p><b>self-employed</b> [1] - 650:25</p> <p><b>send</b> [2] - 607:5, 665:24</p> <p><b>sense</b> [2] - 488:19, 545:22</p> <p><b>sent</b> [12] - 475:2, 489:8, 509:5, 537:21, 555:9, 606:25, 607:16, 621:9, 665:23, 666:8, 666:15, 666:17</p> <p><b>sentence</b> [2] - 488:2, 542:6</p> <p><b>separate</b> [4] - 489:5, 489:11, 489:25, 510:5</p> <p><b>separately</b> [2] - 486:7, 489:19</p> <p><b>September</b> [1] - 628:7</p> <p><b>series</b> [1] - 514:10</p> <p><b>serious</b> [1] - 595:5</p> <p><b>service</b> [4] - 554:25, 592:5, 615:16, 622:21</p> <p><b>SESSION</b> [1] - 560:1</p> <p><b>set</b> [5] - 487:2, 487:3, 491:18, 516:23, 581:9</p> <p><b>Seventh</b> [1] - 465:15</p> <p><b>several</b> [5] - 466:13, 471:14, 480:12, 564:5, 614:8</p> <p><b>severe</b> [1] - 595:3</p> <p><b>sex</b> [9] - 538:3, 538:7, 538:10, 539:2, 539:4, 590:12, 591:13, 592:2</p> <p><b>sexual</b> [9] - 539:3, 595:24, 596:5, 599:4, 599:11, 599:15, 606:10, 654:24, 655:2</p> <p><b>sexuality</b> [3] - 597:7, 654:18, 655:18</p> <p><b>sexually</b> [1] - 659:12</p> <p><b>share</b> [1] - 585:21</p> <p><b>shared</b> [1] - 512:20</p> <p><b>sharing</b> [1] - 512:21</p> <p><b>Shaw</b> [14] - 467:8, 469:3,</p>	<p>469:11, 470:10, 471:1, 471:2, 471:9, 471:11, 472:9, 474:19, 572:14, 644:7, 644:10</p> <p><b>sheet</b> [4] - 554:14, 555:5, 555:7, 558:19</p> <p><b>shit</b> [1] - 637:16</p> <p><b>shoe</b> [1] - 499:22</p> <p><b>shoot</b> [1] - 632:17</p> <p><b>shooter</b> [1] - 472:7</p> <p><b>shooting</b> [1] - 649:3</p> <p><b>short</b> [2] - 556:25, 650:3</p> <p><b>shortly</b> [2] - 476:18, 476:19</p> <p><b>shoulder</b> [4] - 546:13, 566:7, 620:10, 637:22</p> <p><b>show</b> [20] - 484:5, 486:1, 500:22, 509:10, 510:7, 523:10, 543:14, 563:25, 569:2, 569:23, 570:1, 572:1, 572:5, 582:11, 587:20, 611:22, 622:4, 630:14, 633:8, 635:2</p> <p><b>showed</b> [6] - 466:13, 482:18, 565:12, 565:25, 631:4, 666:14</p> <p><b>showing</b> [2] - 488:8, 661:4</p> <p><b>shown</b> [4] - 480:12, 484:3, 488:15, 511:20</p> <p><b>shows</b> [7] - 468:2, 468:4, 511:10, 554:5, 566:14, 572:2, 584:24</p> <p><b>side</b> [9] - 540:5, 589:4, 589:5, 605:4, 637:11, 646:22, 647:5, 647:18</p> <p><b>sidebar</b> [16] - 467:5, 488:24, 489:1, 503:1, 509:18, 515:15, 540:7, 541:8, 553:12, 555:13, 558:10, 587:1, 603:1, 619:1, 649:1, 664:1</p> <p><b>sidebars</b> [1] - 510:23</p> <p><b>sided</b> [1] - 626:12</p> <p><b>sides</b> [1] - 593:10</p> <p><b>sign</b> [10] - 478:14, 489:13, 492:13, 493:3, 500:17, 521:3, 554:9, 555:8, 580:16, 580:18</p> <p><b>signed</b> [12] - 478:20, 488:15, 506:3, 520:8, 521:16, 545:7, 546:4, 553:2, 554:3, 554:15, 554:21, 555:8</p> <p><b>signing</b> [4] - 480:8, 481:3, 521:14, 521:19</p> <p><b>signs</b> [1] - 479:22</p> <p><b>silence</b> [3] - 514:17, 515:1, 515:3</p> <p><b>similar</b> [4] - 468:3, 468:4, 482:17, 482:18</p> <p><b>simple</b> [1] - 566:12</p> <p><b>simply</b> [6] - 492:25, 557:22, 563:20, 591:14, 592:12, 624:2</p> <p><b>sister</b> [1] - 598:24</p> <p><b>sit</b> [3] - 466:22, 531:8, 577:7</p> <p><b>site</b> [1] - 534:12</p> <p><b>sitting</b> [4] - 528:13, 647:2, 647:21, 647:22</p>	<p><b>situation</b> [10] - 495:6, 495:9, 506:11, 506:19, 545:23, 561:19, 578:21, 647:6, 659:11, 661:6</p> <p><b>six</b> [1] - 608:15</p> <p><b>size</b> [5] - 499:19, 499:22, 499:24, 500:5, 500:7</p> <p><b>sizes</b> [1] - 577:14</p> <p><b>skills</b> [1] - 652:5</p> <p><b>skimmed</b> [1] - 522:24</p> <p><b>skipped</b> [1] - 602:3</p> <p><b>sky</b> [1] - 487:7</p> <p><b>SKYDIVE</b> [1] - 465:7</p> <p><b>skydive</b> [40] - 468:7, 473:8, 481:5, 481:9, 483:11, 485:24, 487:9, 487:15, 487:20, 492:9, 492:13, 492:20, 494:8, 495:8, 495:9, 498:15, 498:23, 499:2, 501:5, 505:6, 508:5, 514:14, 545:16, 561:18, 564:20, 572:24, 573:25, 579:19, 588:23, 604:15, 610:14, 612:19, 625:8, 625:15, 625:16, 627:1, 653:10, 660:20, 661:15</p> <p><b>Skydive</b> [41] - 473:10, 479:2, 480:13, 481:3, 481:4, 485:6, 493:4, 494:4, 494:17, 495:18, 496:14, 496:22, 498:11, 501:10, 501:11, 501:15, 506:12, 511:4, 512:10, 513:8, 514:14, 514:21, 519:16, 519:25, 520:12, 536:9, 542:16, 549:19, 550:9, 552:5, 565:3, 581:6, 581:14, 581:18, 582:7, 583:16, 584:3, 627:6, 651:3, 655:1, 656:21</p> <p><b>skydive-related</b> [1] - 545:16</p> <p><b>skydiver</b> [7] - 580:14, 580:25, 596:21, 652:7, 652:9, 654:7, 662:12</p> <p><b>skydivers</b> [6] - 472:18, 478:5, 491:19, 494:7, 597:7, 661:18</p> <p><b>skydiving</b> [34] - 477:15, 477:18, 480:5, 480:20, 480:22, 481:23, 482:22, 482:24, 483:3, 491:16, 493:25, 494:2, 504:24, 519:16, 520:5, 520:14, 527:13, 532:8, 536:3, 548:1, 548:11, 548:19, 562:20, 568:17, 568:18, 568:21, 572:17, 573:7, 590:17, 607:22, 612:18, 652:5, 652:12, 652:19</p> <p><b>slightly</b> [1] - 548:1</p> <p><b>slow</b> [3] - 503:5, 515:12, 515:18</p> <p><b>slowing</b> [1] - 646:3</p> <p><b>small</b> [6] - 561:12, 561:13, 561:21, 562:5, 562:6, 577:6</p> <p><b>smile</b> [4] - 570:23, 571:14, 571:19, 572:2</p> <p><b>smiling</b> [1] - 571:8</p> <p><b>smoothly</b> [2] - 515:10, 515:11</p>
---	---	---	---

<p><b>so...</b> [2] - 629:25, 654:13  <b>socialize</b> [1] - 651:23  <b>soda</b> [1] - 514:3  <b>solely</b> [1] - 621:6  <b>someone</b> [29] - 497:8, 501:11, 501:14, 506:14, 506:24, 511:9, 511:11, 530:24, 535:11, 535:14, 544:9, 554:22, 562:19, 573:6, 573:8, 580:4, 588:23, 589:1, 595:20, 612:17, 613:15, 626:15, 631:6, 636:24, 640:23, 641:1, 641:2, 659:3  <b>someplace</b> [1] - 641:10  <b>sometime</b> [1] - 536:7  <b>sometimes</b> [5] - 499:14, 580:2, 580:3, 629:17, 660:2  <b>somewhere</b> [2] - 641:21, 666:7  <b>soon</b> [3] - 466:17, 607:22, 609:11  <b>sorry</b> [20] - 469:22, 471:11, 499:9, 516:21, 524:21, 527:1, 527:11, 538:5, 562:14, 596:15, 600:11, 605:21, 605:24, 608:18, 608:19, 628:1, 639:5, 655:11, 658:7, 664:18  <b>sorts</b> [1] - 583:17  <b>sounds</b> [4] - 522:6, 534:3, 535:25, 536:2  <b>space</b> [1] - 505:25  <b>speaks</b> [1] - 567:14  <b>special</b> [4] - 547:4, 547:11, 547:13, 576:21  <b>specific</b> [5] - 492:14, 549:5, 549:7, 549:9, 549:10  <b>specifically</b> [6] - 472:15, 494:23, 504:10, 521:12, 611:23, 656:18  <b>specify</b> [1] - 662:17  <b>speculate</b> [1] - 662:15  <b>spell</b> [3] - 476:24, 518:21, 650:16  <b>spoken</b> [3] - 550:25, 556:3, 622:1  <b>sport</b> [3] - 480:20, 563:7, 563:10  <b>spring</b> [1] - 550:23  <b>stabilizing</b> [1] - 645:18  <b>staff</b> [2] - 581:17, 606:18  <b>stand</b> [5] - 491:21, 533:7, 637:3, 650:12, 657:8  <b>standards</b> [1] - 491:18  <b>standing</b> [2] - 476:20, 650:12  <b>stands</b> [2] - 533:2, 632:6  <b>stars</b> [1] - 633:13  <b>start</b> [6] - 468:20, 475:17, 475:19, 601:1, 619:2, 649:14  <b>started</b> [3] - 546:22, 596:25, 611:6  <b>starting</b> [2] - 470:19, 628:13  <b>state</b> [4] - 476:24, 520:16, 558:6, 650:16  <b>statement</b> [8] - 515:15, 554:17,</p>	<p>565:9, 568:11, 580:5, 593:6, 594:12, 658:20  <b>statements</b> [2] - 551:2, 551:3  <b>States</b> [2] - 491:17, 491:22  <b>STATES</b> [2] - 465:1, 465:11  <b>stay</b> [1] - 656:12  <b>steak</b> [2] - 552:11, 552:13  <b>steakhouse</b> [1] - 552:3  <b>stenography</b> [1] - 465:25  <b>step</b> [4] - 516:19, 556:20, 650:6, 657:6  <b>stick</b> [1] - 594:8  <b>still</b> [13] - 475:17, 519:21, 530:1, 538:19, 539:18, 545:7, 546:9, 560:6, 607:7, 624:8, 631:25, 657:10, 666:23  <b>stipulate</b> [1] - 503:4  <b>stop</b> [1] - 475:23  <b>stopped</b> [6] - 496:25, 497:6, 497:19, 497:24, 498:9, 664:3  <b>story</b> [4] - 537:13, 538:13, 589:4, 589:5  <b>straight</b> [2] - 472:6, 504:21  <b>strap</b> [4] - 505:15, 510:25, 511:9, 561:5  <b>strapped</b> [33] - 499:9, 499:10, 499:13, 499:14, 499:18, 500:4, 506:7, 506:8, 511:11, 528:25, 529:6, 529:17, 530:8, 530:24, 531:3, 531:11, 544:10, 562:11, 562:13, 562:16, 563:13, 579:9, 579:15, 638:20, 639:13, 646:20, 647:17, 657:17, 657:22, 658:12, 659:5, 660:12  <b>strapping</b> [1] - 575:24  <b>straps</b> [14] - 499:17, 507:20, 574:1, 575:19, 580:13, 581:1, 642:22, 643:5, 643:12, 643:15, 643:18, 643:21, 646:4, 646:7  <b>Street</b> [1] - 465:17  <b>stretch</b> [1] - 645:22  <b>stretched</b> [1] - 468:10  <b>struck</b> [1] - 597:13  <b>student</b> [14] - 484:25, 485:3, 487:19, 491:19, 504:4, 506:3, 507:3, 521:7, 575:18, 577:1, 578:3, 652:15, 652:16, 654:1  <b>students</b> [18] - 480:17, 483:17, 483:22, 483:23, 485:23, 500:14, 575:20, 576:8, 576:25, 578:1, 652:12, 652:19, 652:23, 653:2, 653:15, 653:20, 653:21, 660:20  <b>stuff</b> [4] - 620:13, 625:10, 625:11, 666:2  <b>subject</b> [3] - 483:19, 510:4, 559:1  <b>submitted</b> [2] - 510:18, 554:21  <b>subpoena</b> [4] - 554:12, 554:16, 555:3, 558:13  <b>substance</b> [2] - 484:9, 526:6</p>	<p><b>substantially</b> [1] - 559:3  <b>substituting</b> [1] - 466:21  <b>success</b> [1] - 560:25  <b>sue</b> [8] - 481:4, 482:2, 482:5, 482:11, 501:15, 501:19, 508:11, 545:4  <b>suffered</b> [1] - 601:6  <b>sufficiently</b> [1] - 558:20  <b>Suffolk</b> [1] - 519:8  <b>suggested</b> [1] - 659:21  <b>suggestion</b> [1] - 468:17  <b>suit</b> [3] - 501:20, 575:11, 656:25  <b>Suite</b> [4] - 465:15, 465:17, 465:19, 465:23  <b>sum</b> [1] - 526:6  <b>summation</b> [1] - 634:12  <b>summations</b> [1] - 666:25  <b>summer</b> [4] - 485:7, 550:23, 662:12, 662:21  <b>sums</b> [1] - 548:10  <b>Sunday</b> [4] - 536:20, 609:25, 621:18, 622:8  <b>supplied</b> [1] - 554:3  <b>supposed</b> [3] - 469:3, 625:15, 660:24  <b>surrounding</b> [3] - 514:25, 544:20, 558:23  <b>suspend</b> [1] - 640:21  <b>suspended</b> [4] - 621:10, 622:16, 622:17, 622:19  <b>suspension</b> [3] - 595:6, 595:10, 612:9  <b>sustain</b> [2] - 579:12, 659:7  <b>Sustained</b> [1] - 563:6  <b>sustained</b> [44] - 493:6, 494:11, 496:18, 501:22, 505:2, 505:12, 508:7, 508:13, 508:14, 549:17, 567:8, 568:10, 571:17, 571:22, 573:4, 580:23, 582:9, 583:21, 584:8, 594:11, 594:21, 597:14, 597:21, 598:17, 599:8, 605:7, 608:10, 608:25, 610:3, 610:9, 610:10, 613:20, 614:1, 616:9, 616:24, 626:20, 638:4, 640:2, 641:7, 644:22, 659:1, 659:7, 659:14, 659:24  <b>sustaining</b> [1] - 555:10  <b>sworn</b> [6] - 476:22, 518:19, 560:15, 591:10, 594:4, 650:14  <b>systems</b> [1] - 483:18</p>	<p>504:6, 504:7, 504:9, 504:11, 504:24, 521:9, 521:10, 521:11, 521:13, 560:21, 561:18, 572:24, 575:10, 577:8, 577:10, 577:11, 577:15, 579:2, 579:3, 581:23, 596:20, 609:16, 644:1, 647:8, 660:6, 662:12  <b>tape</b> [16] - 496:24, 496:25, 497:5, 497:6, 497:18, 497:19, 497:23, 497:24, 498:8, 498:9, 600:7, 600:8, 641:13, 641:23, 642:1, 642:4  <b>tears</b> [2] - 590:22, 625:9  <b>telephone</b> [1] - 556:4  <b>ten</b> [5] - 528:22, 644:19, 645:1, 645:5, 649:6  <b>ten-minute</b> [1] - 649:6  <b>tension</b> [2] - 579:24, 640:17  <b>tensions</b> [1] - 515:9  <b>termed</b> [1] - 638:16  <b>terminate</b> [1] - 615:17  <b>terminated</b> [5] - 625:17, 655:21, 655:23, 656:3, 656:13  <b>termination</b> [3] - 595:4, 606:8, 606:9  <b>testified</b> [20] - 473:10, 476:23, 503:2, 514:7, 518:20, 522:19, 525:13, 525:15, 535:7, 554:11, 560:15, 566:6, 589:12, 599:25, 604:22, 614:11, 628:9, 628:11, 644:18, 650:15  <b>testify</b> [14] - 472:16, 472:22, 472:23, 473:1, 475:24, 514:15, 523:17, 547:17, 558:8, 583:24, 616:6, 660:23, 666:4  <b>testifying</b> [6] - 522:4, 547:8, 547:16, 548:5, 550:7, 556:2  <b>testimony</b> [34] - 470:23, 472:6, 474:23, 474:25, 516:12, 518:14, 523:19, 527:8, 529:10, 529:13, 531:6, 540:3, 549:25, 551:4, 554:19, 555:1, 557:23, 558:14, 573:15, 573:21, 583:20, 584:11, 588:4, 616:11, 616:15, 616:22, 617:12, 619:10, 627:17, 631:7, 632:1, 636:21, 642:10, 666:24  <b>text</b> [2] - 475:9, 475:11  <b>th</b> [1] - 582:12  <b>THE</b> [307] - 465:11, 466:2, 466:5, 466:11, 466:24, 467:2, 467:4, 467:10, 467:21, 470:3, 470:8, 470:18, 470:22, 471:9, 471:24, 472:23, 473:3, 473:13, 473:15, 474:3, 474:5, 474:11, 474:16, 474:24, 475:4, 475:11, 475:14, 475:19, 476:1, 476:4, 476:6, 476:15, 476:24, 477:1, 477:2, 479:8, 479:12, 484:7, 488:12, 488:24, 489:9, 489:14, 489:16, 489:23, 491:2, 491:11, 493:6, 493:11, 493:14, 493:19,</p>
<b>T</b>			
<p><b>tab</b> [1] - 552:5  <b>table</b> [3] - 466:17, 466:22, 476:19  <b>tainted</b> [1] - 548:1  <b>take-home</b> [2] - 662:11, 662:20  <b>talkative</b> [2] - 533:5, 533:6  <b>talks</b> [1] - 500:9  <b>tandem</b> [28] - 483:15, 499:24,</p>			



<p>494:11, 494:21, 496:2, 496:4, 496:18, 501:22, 502:4, 502:6, 503:5, 503:9, 505:2, 505:8, 505:12, 508:7, 508:13, 509:10, 509:20, 509:24, 510:6, 510:9, 510:21, 511:8, 511:12, 511:19, 512:4, 512:22, 512:25, 513:2, 513:7, 513:20, 513:23, 514:2, 514:5, 514:9, 514:23, 515:4, 515:17, 516:4, 516:11, 516:16, 516:19, 517:1, 517:3, 517:6, 518:1, 518:8, 518:11, 518:17, 518:21, 518:23, 518:24, 523:10, 523:16, 524:10, 524:13, 524:18, 524:22, 529:8, 529:12, 529:22, 539:15, 540:2, 540:5, 541:3, 541:5, 543:8, 543:18, 547:6, 547:9, 547:10, 547:19, 547:22, 548:5, 548:15, 549:17, 552:23, 553:10, 554:24, 555:4, 555:10, 556:18, 556:20, 557:1, 557:7, 560:4, 560:8, 560:11, 562:2, 563:6, 564:1, 564:8, 567:8, 567:14, 568:10, 569:11, 570:3, 570:8, 570:13, 571:17, 571:22, 572:21, 573:4, 573:10, 573:18, 574:19, 574:24, 575:1, 575:9, 575:23, 577:18, 578:15, 579:12, 580:23, 581:3, 582:9, 582:12, 582:15, 582:19, 582:21, 583:21, 584:8, 584:18, 586:4, 586:6, 586:10, 587:5, 587:11, 587:17, 588:10, 589:22, 589:24, 590:2, 591:17, 591:20, 592:18, 593:10, 594:11, 594:21, 596:10, 596:14, 597:14, 597:21, 598:2, 598:17, 599:8, 600:23, 601:22, 602:4, 602:8, 603:2, 605:7, 605:15, 606:7, 608:10, 608:25, 609:5, 609:8, 610:3, 610:9, 610:11, 610:17, 610:21, 611:2, 611:14, 611:19, 612:1, 612:22, 612:24, 613:10, 613:20, 614:1, 614:20, 616:9, 616:24, 617:6, 617:10, 617:21, 618:5, 619:4, 619:6, 619:12, 621:14, 624:12, 624:15, 624:19, 626:20, 627:13, 627:16, 627:19, 627:23, 627:25, 628:2, 628:12, 629:3, 629:9, 629:14, 629:20, 629:24, 630:3, 630:10, 630:23, 631:2, 631:13, 631:17, 631:20, 631:25, 632:7, 632:17, 632:22, 632:24, 633:21, 634:7, 634:14, 636:20, 638:4, 639:3, 640:2, 641:7, 641:16, 644:22, 648:5, 649:11, 649:15, 650:2, 650:11, 650:16, 650:18, 650:19, 651:16, 652:21, 653:4, 655:5, 655:10, 655:11, 655:12,</p>	<p>655:14, 655:25, 656:10, 657:3, 657:6, 657:11, 659:1, 659:7, 659:14, 659:24, 661:12, 662:14, 662:17, 663:9, 664:10, 664:13, 664:15, 664:18, 665:2, 665:10, 666:22, 667:5  <b>therefore</b> [5] - 484:24, 506:23, 557:15, 558:3, 657:25  <b>thereto</b> [1] - 606:14  <b>thigh</b> [1] - 543:1  <b>thinking</b> [1] - 665:4  <b>thinks</b> [2] - 511:15, 629:5  <b>third</b> [4] - 466:15, 530:10, 554:15, 615:12  <b>thousands</b> [1] - 485:6  <b>three</b> [12] - 467:5, 473:1, 550:4, 550:5, 550:8, 558:3, 609:19, 610:5, 612:18, 612:20, 613:5, 613:17  <b>thrill</b> [1] - 494:14  <b>thrilled</b> [1] - 531:25  <b>throughout</b> [2] - 472:3, 543:1  <b>throwing</b> [1] - 645:16  <b>thumbs</b> [2] - 525:17, 525:20  <b>tight</b> [6] - 499:9, 499:10, 499:13, 499:14, 499:18  <b>timing</b> [2] - 512:21, 513:12  <b>tips</b> [1] - 662:9  <b>today</b> [17] - 468:22, 469:4, 469:16, 470:23, 473:6, 495:11, 519:21, 531:8, 550:7, 555:1, 556:2, 616:6, 617:12, 632:3, 632:5, 649:6  <b>toe</b> [7] - 467:9, 468:6, 468:9, 468:16, 469:23, 473:12, 473:14  <b>together</b> [5] - 486:10, 603:2, 651:22, 652:16, 652:17  <b>tomorrow</b> [6] - 632:1, 649:14, 650:4, 666:22, 666:25, 667:5  <b>took</b> [13] - 466:1, 535:2, 537:9, 540:6, 553:11, 558:2, 565:22, 613:7, 621:9, 622:20, 639:4, 640:13, 657:23  <b>top</b> [2] - 491:4, 601:2  <b>topic</b> [2] - 508:15, 508:16  <b>topics</b> [1] - 632:9  <b>tops</b> [2] - 550:5, 550:8  <b>total</b> [1] - 466:14  <b>totally</b> [1] - 566:9  <b>touch</b> [3] - 546:8, 644:4  <b>touched</b> [12] - 504:13, 520:17, 532:2, 534:9, 546:3, 557:21, 562:19, 562:24, 563:1, 563:2, 580:21, 617:14  <b>touching</b> [12] - 528:10, 532:14, 533:10, 534:5, 535:8, 546:11, 563:7, 563:8, 580:13, 580:19, 614:22, 620:9  <b>towards</b> [3] - 567:11, 571:2  <b>trade</b> [1] - 653:16  <b>trained</b> [1] - 595:18</p>	<p><b>training</b> [1] - 595:13  <b>TRANSCRIPT</b> [1] - 465:10  <b>Transcript</b> [1] - 465:25  <b>transcript</b> [2] - 523:9, 523:12  <b>transient</b> [1] - 472:18  <b>treated</b> [4] - 492:1, 655:1, 655:13, 655:14  <b>treating</b> [1] - 592:22  <b>TRIAL</b> [1] - 465:10  <b>trial</b> [7] - 471:18, 471:19, 495:20, 511:22, 529:11, 570:11, 667:9  <b>triangle</b> [1] - 658:23  <b>trip</b> [1] - 667:3  <b>true</b> [65] - 467:17, 477:16, 477:19, 477:20, 477:25, 478:15, 478:16, 480:14, 481:24, 481:25, 482:25, 483:1, 484:21, 485:16, 493:1, 493:2, 493:9, 494:15, 494:16, 504:20, 506:7, 520:8, 520:17, 520:21, 520:22, 521:24, 523:20, 524:3, 525:10, 525:18, 527:5, 529:18, 531:15, 531:21, 532:9, 533:13, 533:16, 534:12, 535:9, 535:19, 536:10, 536:16, 536:25, 537:8, 537:11, 537:19, 538:4, 538:7, 539:11, 548:24, 549:15, 550:10, 551:9, 551:19, 552:17, 584:16, 589:7, 595:25, 596:7, 597:3, 597:4, 597:6, 633:3, 646:18, 647:16  <b>trusted</b> [2] - 643:17, 643:20  <b>trusts</b> [1] - 523:3  <b>truth</b> [5] - 557:20, 589:9, 594:5, 626:25, 636:11  <b>truthfully</b> [1] - 522:19  <b>try</b> [11] - 495:5, 498:20, 510:12, 515:5, 515:25, 585:15, 632:17, 636:12, 636:14, 649:12  <b>trying</b> [15] - 511:6, 515:9, 535:24, 535:25, 547:4, 547:11, 551:21, 555:4, 578:22, 583:23, 591:18, 593:6, 594:14, 615:3, 658:23  <b>Tuesday</b> [1] - 585:17  <b>turn</b> [4] - 474:3, 526:15, 588:15, 604:14  <b>turned</b> [3] - 473:23, 473:24, 511:17  <b>twice</b> [2] - 600:23, 615:12  <b>two</b> [37] - 486:10, 487:14, 489:14, 491:23, 494:7, 513:17, 513:21, 514:14, 525:5, 543:19, 543:22, 549:22, 549:25, 550:5, 550:8, 554:6, 556:6, 557:8, 557:9, 575:11, 576:13, 577:6, 578:17, 581:13, 582:17, 590:7, 603:2, 615:11, 622:20, 624:5, 625:4, 625:6, 625:8, 626:17, 652:1, 661:25</p>	<p><b>type</b> [3] - 531:25, 595:13, 651:1  <b>typical</b> [3] - 497:7, 498:11, 644:24  <b>typo</b> [1] - 585:19</p> <p style="text-align: center;"><b>U</b></p> <p><b>ultimately</b> [1] - 595:4  <b>uncomfortable</b> [30] - 498:14, 507:3, 507:4, 507:7, 542:7, 542:9, 548:10, 562:19, 564:25, 565:8, 565:12, 566:1, 566:2, 566:14, 568:4, 574:2, 610:25, 611:3, 611:6, 614:24, 615:2, 620:8, 620:11, 642:17, 642:20, 657:16, 657:21, 658:1, 658:11, 658:20  <b>under</b> [18] - 473:15, 522:17, 541:5, 553:4, 555:10, 559:2, 560:6, 573:11, 590:10, 594:4, 615:1, 640:10, 644:16, 645:8, 645:14, 646:4, 647:5, 657:10  <b>unemployed</b> [1] - 552:16  <b>Unemployment</b> [1] - 664:9  <b>unemployment</b> [9] - 661:10, 664:3, 664:14, 665:3, 665:5, 665:15, 665:18, 666:2, 666:6  <b>unfair</b> [2] - 559:3, 588:21  <b>unfortunately</b> [2] - 469:17, 585:14  <b>unhappy</b> [2] - 615:14, 642:12  <b>United</b> [2] - 491:16, 491:22  <b>UNITED</b> [2] - 465:1, 465:11  <b>unlawful</b> [1] - 606:8  <b>unofficially</b> [1] - 623:21  <b>unpredictable</b> [1] - 572:18  <b>unprofessional</b> [3] - 468:18, 652:24, 653:14  <b>unquote</b> [4] - 468:18, 497:10, 576:21, 660:24  <b>unrealistic</b> [1] - 485:23  <b>unreasonable</b> [2] - 658:19, 659:10  <b>unsafe</b> [1] - 501:15  <b>unusual</b> [2] - 485:17, 498:10  <b>up</b> [83] - 468:4, 468:10, 469:13, 472:14, 475:1, 475:10, 475:24, 480:3, 480:4, 480:9, 481:4, 481:19, 483:6, 483:10, 484:10, 486:18, 486:24, 487:7, 487:9, 495:20, 497:11, 501:5, 502:6, 506:7, 506:8, 506:17, 506:20, 506:25, 510:25, 511:9, 511:11, 515:20, 516:23, 517:6, 523:22, 525:17, 525:20, 533:3, 533:7, 539:22, 540:5, 542:6, 548:10, 552:5, 561:5, 561:7, 561:8, 561:10, 564:20, 566:13, 570:18, 571:20, 577:14, 581:9, 593:8, 593:16, 596:20, 602:8, 613:3, 618:5, 620:12, 622:4,</p>
--	--	--	---

622:10, 626:22, 632:6, 636:12, 642:11, 642:14, 645:9, 645:11, 645:12, 645:20, 645:23, 646:3, 646:15, 647:22, 650:11, 655:17, 659:5, 660:2, 660:5 <b>upset</b> [3] - 515:9, 592:23, 625:8 <b>US</b> [1] - 465:5 <b>ushering</b> [1] - 470:16 <b>USPA</b> [5] - 487:18, 488:3, 491:15, 491:21, 492:9 <b>utilizing</b> [2] - 605:19, 606:1	<b>videotaping</b> [1] - 565:14 <b>view</b> [1] - 470:1 <b>viewed</b> [1] - 545:21 <b>viewing</b> [1] - 611:16 <b>vividly</b> [1] - 548:22 <b>voluntarily</b> [1] - 567:6 <b>vs</b> [1] - 466:2	<b>WELL</b> [1] - 662:4 <b>whatnot</b> [1] - 512:3 <b>whatsoever</b> [6] - 471:23, 498:11, 558:16, 594:2, 616:19, 626:25 <b>whereas</b> [1] - 468:15 <b>whispering</b> [2] - 543:5, 566:7 <b>whole</b> [4] - 471:15, 489:21, 537:13, 566:9 <b>wife</b> [7] - 512:16, 513:10, 513:25, 514:7, 539:23, 542:3, 583:3 <b>William</b> [3] - 467:2, 467:3, 476:17 <b>willing</b> [1] - 469:2 <b>win</b> [1] - 482:6 <b>wind</b> [1] - 543:25 <b>wing</b> [1] - 656:25 <b>Winstock</b> [8] - 497:13, 505:24, 623:18, 623:20, 637:21, 640:5, 640:19, 660:23 <b>wished</b> [1] - 548:8 <b>withdraw</b> [1] - 500:13 <b>withdrawn</b> [5] - 562:22, 597:23, 613:1, 643:19, 643:25 <b>witness</b> [41] - 466:8, 466:10, 466:11, 466:13, 470:16, 471:6, 476:11, 476:22, 518:2, 518:12, 518:13, 521:1, 529:9, 529:12, 552:21, 554:7, 554:11, 556:22, 560:14, 569:23, 591:19, 593:11, 594:13, 616:12, 616:13, 616:14, 626:22, 649:5, 649:6, 649:12, 650:2, 650:3, 650:4, 650:12, 650:14, 664:5, 664:6, 664:7, 664:8, 664:11 <b>WITNESS</b> [10] - 477:1, 518:23, 523:16, 547:10, 560:8, 609:8, 650:18, 655:11, 655:14, 657:11 <b>witness'</b> [1] - 616:15 <b>witness's</b> [1] - 584:11 <b>witnesses</b> [4] - 470:11, 471:17, 471:21, 632:3 <b>woman</b> [5] - 468:9, 537:9, 590:20, 598:5, 658:24 <b>women</b> [7] - 504:17, 579:15, 590:9, 590:11, 591:2, 591:23, 625:8 <b>word</b> [5] - 481:16, 531:20, 592:6, 605:23, 641:11 <b>words</b> [4] - 522:12, 526:11, 526:23, 591:24 <b>workers</b> [2] - 508:20, 654:20 <b>workers'</b> [3] - 664:5, 664:8, 664:12 <b>Workers'</b> [9] - 605:3, 605:8, 605:12, 605:19, 606:1, 606:5, 606:9, 606:14, 606:24 <b>workman's</b> [1] - 665:4 <b>workplace</b> [1] - 595:21 <b>works</b> [1] - 623:6	<b>world</b> [2] - 584:6, 584:13 <b>worried</b> [1] - 646:11 <b>worry</b> [5] - 535:19, 610:24, 611:7, 615:13, 659:12 <b>wrap</b> [1] - 484:10 <b>write</b> [1] - 472:12 <b>written</b> [3] - 624:3, 624:8, 629:16 <b>wrote</b> [4] - 622:23, 623:10, 665:20, 666:11
<b>V</b>	<b>W</b>	<b>Y</b>	<b>Z</b>
<b>vagina</b> [1] - 468:11 <b>vaguely</b> [1] - 551:7 <b>valid</b> [2] - 592:11, 592:12 <b>value</b> [4] - 558:16, 559:2, 630:4, 630:19 <b>various</b> [1] - 594:24 <b>verge</b> [1] - 590:21 <b>verified</b> [1] - 610:18 <b>versus</b> [1] - 513:13 <b>video</b> [109] - 467:9, 467:24, 468:2, 468:4, 468:6, 468:16, 468:19, 468:21, 469:6, 469:12, 469:18, 469:22, 469:23, 470:7, 470:23, 473:14, 473:21, 474:3, 474:8, 474:11, 480:9, 480:16, 480:19, 481:2, 481:22, 482:1, 482:14, 482:17, 482:18, 483:5, 483:13, 483:22, 483:23, 484:2, 484:4, 484:5, 484:8, 486:1, 486:5, 486:8, 486:15, 486:24, 487:4, 495:11, 495:15, 495:16, 495:18, 496:14, 497:14, 498:10, 498:12, 506:4, 516:24, 517:1, 518:3, 518:5, 518:7, 520:1, 520:4, 524:20, 524:25, 525:2, 525:7, 525:10, 525:25, 526:5, 543:14, 543:15, 543:16, 543:20, 543:22, 544:7, 563:21, 565:3, 565:4, 565:7, 566:3, 566:6, 566:14, 566:15, 566:18, 566:20, 567:1, 567:14, 567:15, 567:18, 567:23, 574:10, 574:15, 574:17, 575:7, 589:13, 598:10, 598:12, 600:20, 601:5, 610:18, 611:11, 611:22, 634:23, 636:6, 637:14, 638:6, 660:24, 661:1, 661:3, 661:7 <b>videographer</b> [4] - 525:18, 566:25, 625:25, 646:1 <b>videos</b> [13] - 466:13, 467:5, 467:10, 467:13, 467:22, 470:11, 470:14, 471:1, 473:4, 473:24, 474:15, 480:12, 496:21 <b>videotape</b> [10] - 524:5, 598:5, 611:17, 611:18, 612:4, 612:6, 615:19, 615:20, 645:25, 646:2 <b>videotaped</b> [1] - 524:3	<b>wait</b> [7] - 470:25, 474:23, 583:8, 588:6, 588:23, 626:2, 626:6 <b>waited</b> [2] - 536:22, 558:3 <b>waiting</b> [4] - 472:25, 476:8, 515:24, 626:1 <b>waive</b> [2] - 469:2, 469:10 <b>waiver</b> [14] - 479:1, 479:2, 479:22, 479:24, 500:9, 503:10, 503:12, 563:22, 574:15, 574:22, 575:1, 575:6, 580:16, 580:18 <b>walk</b> [1] - 466:21 <b>wants</b> [6] - 510:3, 546:5, 578:9, 600:24, 634:10, 644:1 <b>wardrobe</b> [1] - 470:1 <b>warmer</b> [2] - 662:3, 662:7 <b>watch</b> [3] - 486:5, 563:21, 574:16 <b>watched</b> [3] - 506:4, 520:1, 615:20 <b>watches</b> [1] - 480:9 <b>watching</b> [2] - 486:8, 486:24 <b>WAYNE</b> [2] - 650:13, 668:10 <b>Wayne</b> [3] - 472:9, 650:9, 650:18 <b>ways</b> [1] - 568:24 <b>wearing</b> [2] - 504:5, 521:8 <b>weather</b> [1] - 626:8 <b>website</b> [15] - 468:7, 468:12, 473:8, 473:11, 473:13, 473:18, 473:20, 512:22, 513:7, 608:3, 629:5, 629:7, 629:8, 629:10, 631:11 <b>Wednesday</b> [2] - 585:19, 666:25 <b>week</b> [19] - 466:19, 478:18, 497:13, 505:24, 515:11, 516:10, 518:12, 536:4, 621:10, 621:17, 621:21, 622:9, 622:17, 622:21, 641:13, 642:5, 644:18, 661:23, 662:1 <b>weekdays</b> [1] - 613:12 <b>weekend</b> [7] - 469:14, 476:8, 536:7, 536:13, 546:23, 609:21, 613:18 <b>weekend's</b> [1] - 510:4 <b>weekends</b> [1] - 613:11 <b>weeks</b> [4] - 590:8, 590:20, 608:15, 614:8 <b>weight</b> [5] - 513:15, 514:23, 586:8, 588:20, 593:15 <b>welcome</b> [1] - 486:21	<b>year</b> [4] - 468:8, 508:5, 661:22, 666:3 <b>years</b> [10] - 477:15, 480:13, 514:22, 531:17, 548:19, 552:13, 598:7, 651:8, 651:9 <b>Yelp</b> [10] - 629:8, 629:21, 631:7, 631:12, 633:2, 633:5, 633:10, 633:12, 634:1 <b>YORK</b> [1] - 465:1 <b>York</b> [8] - 465:15, 465:17, 465:20, 465:23, 471:14, 627:21 <b>yourself</b> [7] - 518:6, 521:22, 521:25, 522:10, 533:2, 582:25, 590:16	<b>Zabell</b> [27] - 470:9, 471:25, 473:9, 477:3, 509:24, 515:19, 549:11, 549:14, 550:6, 550:21, 551:6, 551:8, 551:13, 551:17, 551:23, 554:12, 554:15, 554:16, 555:9, 556:4, 556:18, 558:12, 558:21, 632:19, 650:2, 650:7, 650:19 <b>ZABELL</b> [216] - 465:19, 465:20, 467:1, 467:12, 468:20, 470:4, 470:15, 470:21, 472:1, 474:4, 474:10, 474:18, 475:1, 475:6, 475:13, 475:16, 475:22, 479:11, 484:1, 488:6, 488:17, 488:21, 489:4, 489:11, 489:18, 490:1, 491:10, 493:5, 493:10, 493:18, 494:10, 494:20, 495:22, 496:3, 496:17, 501:21, 502:3, 502:5, 503:2, 505:1, 505:7, 505:11, 508:6, 508:12, 509:7, 509:11, 509:14, 509:17, 509:25, 510:14, 511:13, 512:13, 514:12, 515:2, 516:2, 516:18, 516:21, 523:8, 524:12, 524:17, 524:19, 529:7, 529:9, 529:21, 539:17, 541:2, 541:4, 541:7, 547:7, 547:20, 548:13, 549:16, 553:8, 554:20, 556:19, 559:8, 561:24, 562:12, 563:5, 564:3, 564:7, 567:5, 567:7, 567:13, 568:9, 569:7, 569:10,

<p>569:17, 569:20, 570:4, 571:16, 571:21, 572:19, 573:3, 573:9, 573:14, 574:6, 574:18, 574:23, 575:8, 575:21, 578:14, 579:11, 580:22, 581:2, 582:8, 583:18, 584:7, 584:17, 586:3, 586:5, 586:9, 587:6, 587:15, 587:19, 589:21, 589:23, 591:16, 591:18, 592:14, 592:17, 593:5, 594:10, 594:20, 596:9, 597:12, 597:20, 598:15, 599:6, 600:17, 601:3, 601:17, 601:25, 602:6, 603:4, 605:6, 605:14, 606:6, 607:13, 608:9, 608:24, 609:4, 610:2, 610:8, 610:16, 610:20, 611:1, 611:13, 611:15, 611:25, 612:11, 612:21, 613:9, 613:19, 613:25, 614:19, 616:8, 616:23, 617:4, 617:18, 618:1, 619:9, 621:13, 624:10, 626:19, 627:7, 627:9, 627:12, 627:21, 627:24, 628:1, 628:4, 628:11, 628:25, 629:7, 629:12, 629:15, 630:1, 630:21, 631:12, 631:22, 632:2, 634:9, 635:11, 635:16, 636:19, 638:2, 640:1, 641:6, 641:15, 644:21, 648:4, 649:2, 649:17, 650:8, 650:21, 651:17, 653:6, 655:6, 655:9, 655:16, 656:2, 656:11, 657:2, 658:25, 659:6, 659:13, 659:19, 659:23, 661:11, 662:13, 662:15, 665:8, 667:7, 668:6, 668:11 <b>Zabell's</b> [5] - 474:22, 474:23, 554:5, 554:6, 555:6 <b>ZARDA</b> [1] - 465:3 <b>Zarda</b> [68] - 466:2, 466:19, 467:8, 469:17, 472:7, 473:20, 473:21, 474:1, 476:15, 497:4, 507:23, 510:19, 512:20, 529:2, 529:4, 529:18, 529:20, 532:2, 532:13, 533:9, 533:12, 534:5, 534:8, 534:12, 535:8, 535:18, 535:24, 538:3, 538:6, 538:9, 539:10, 542:13, 542:23, 542:25, 543:4, 543:10, 543:23, 572:11, 572:13, 595:7, 609:6, 617:2, 617:3, 617:13, 621:9, 651:12, 651:14, 651:19, 651:23, 652:7, 652:11, 652:18, 653:1, 653:16, 654:3, 654:8, 654:14, 654:17, 654:21, 655:7, 655:17, 655:21, 656:3, 656:12, 656:15, 656:24, 662:19 <b>Zarda's</b> [7] - 472:4, 472:5, 510:2, 534:22, 545:25, 652:5, 659:25 <b>Zealand</b> [3] - 527:22, 644:10, 644:13 <b>zero</b> [1] - 630:19 <b>Zone</b> [11] - 474:1, 478:13, 479:19, 485:11, 487:1, 528:7,</p>	<p>528:20, 561:3, 579:14, 594:25, 606:18 <b>zone</b> [1] - 622:16</p>
--	---